



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT**



**NONVIOLENT
CIVIC ACTION
IN SUPPORT OF
HUMAN RIGHTS
AND
DEMOCRACY**

HUMAN RIGHTS



EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

- POLICY DEPARTMENT -

STUDY

NONVIOLENT CIVIC ACTION IN SUPPORT OF HUMAN RIGHTS AND DEMOCRACY

Abstract

Nonviolent action is increasingly used by diverse groups around the world to demand human rights, advocate for justice, establish democracy and insist on transparency and accountability in governance. It can serve as an alternative to violent struggle for people facing oppression, undercut the power of extremist and militant armed groups, and contribute to regional security and stability. This study argues that international support for nonviolent movements can be vital, but needs to be based on an understanding of the movement itself, its strategy, circumstances and needs. It must be an extension of, not a replacement for, local strategically-planned nonviolent resistance, and should be informed by close consultation with grass-roots nonviolent movements about what is welcome and appropriate. The authors propose that more should be done to make EU programmes less state-centred and to encourage 'democratisation-from-below', by supporting the independent organisational capacity of civil society.

This study was requested by the European Parliament's Subcommittee on Human rights.

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LINGUISTIC VERSIONS

Original: EN

ABOUT THE EDITOR

Manuscript completed on 12 May 2009.
Brussels © European Parliament, 2009.

The study is available on the Internet at
<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>

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EXECUTIVE SUMMARY

Nonviolent civic action has played a critical role in expanding democracy in Europe, both in the 19th and 20th century struggles for civil liberties, universal rights and the right to vote, and in the campaigns in Central and Eastern Europe since the 1980s for national independence and full democracy. Nonviolent action depends crucially on the power of people acting together, and on the refusal to cooperate with repressive power-holders. It includes 'offensive' tactics that undermine the support base of a regime, capacity building tactics that increase people's organisation and strength, and 'defensive' tactics that protect activists and limit the scope for repression.

Nonviolent action is increasingly used by diverse groups around the world to demand human rights, advocate for justice, establish democracy and insist on transparency and accountability in governance. It can serve as an alternative to violent struggle for people facing oppression, undercut the power of extremist and militant armed groups, and contribute to regional security and stability.

International support for nonviolent movements can be vital, but needs to be based on an understanding of the movement itself, its strategy, circumstances and needs. It must be an extension of, not a replacement for, local strategically-planned nonviolent resistance, and should be informed by close consultation with grass-roots nonviolent movements about what is welcome and appropriate. On many occasions, grass-roots groups need information about what types of support could be available. Clear and normative international standards help groups to plan and strategise the international dimension of their campaign. Civil society groups in other countries can be a vital source of assistance and have developed a repertoire of support actions, both at home and in terms of nonviolent presence in the country in question. Governments and intergovernmental organisations can use their influence and resources to insist on human rights standards, to inhibit repression, and to help support the growth of nonviolent movements promoting civil values.

EU treaties include provisions on human rights and democracy promotion which are the basis for EU support to external nonviolent campaigns. Among the existing policy instruments for external action and assistance, human rights groups have welcomed the 2005 Guidelines on Human Right Defenders (HRDs) and the introduction of the European Instrument for Democracy and Human Rights (EIDHR), an instrument providing direct support for civil society organisations and individual HRDs without always requiring the consent of the government concerned. What is lacking, however, is systematic implementation of the Guidelines and their mainstreaming by member states.

An EU presence in areas with widespread human rights abuses - be it in the form of visiting or permanent delegations and embassies - offers a range of opportunities to support nonviolent activists by providing them with information, connections, solidarity and protection. The EU needs to better identify and promote 'best practice', including establishing training programmes on the Guidelines on HRDs and on the diplomatic 'toolbox' of support measures for nonviolent action. Specialist NGOs should be commissioned to produce materials for this and to participate in leading training sessions.

Exiles from countries where there are massive human rights violations are a resource for those groups remaining in the situation and should receive special consideration in gaining access to various kinds of facilities, including relevant training.

Furthermore, civil society networks active in the EU play a vital support role for nonviolent groups around the world, both through their activities in their own countries and also in their fieldwork. The EU could do more to support exchange between civil society activists, including financial and other

support for groups offering 'protective accompaniment' and those offering placements with local civil society organisations.

EU institutions also support nonviolent movements indirectly through incentives, cooperative engagement, conditionality and sanctions towards third country governments. However, in many situations these human rights policies come into conflict with other priorities - be they geopolitical interests or the pursuit of other values and policy objectives proclaimed by the EU, such as assisting sustainable economic development. This leads to inconsistency in the application of human rights clauses and provisions. However, if the EU is perceived as practising or tolerating double standards, its moral authority is weakened in promoting human rights externally, and its credibility is damaged with the state whose human rights practices it aims to influence. The EU therefore needs to establish means of more rigorous human rights-based evaluation of its own policies and programmes, of those of associated bodies and also of member states. Such evaluation should invite input from local activists. Moreover, more should be done to make these programmes less state-centred and to encourage 'democratisation-from-below', by supporting the independent organisational capacity of civil society.

LIST OF ABBREVIATIONS

ACP	African, Caribbean and Pacific
CFSP	Common Foreign and Security Policy
CONCORD	European NGO Confederation for Relief and Development
CSCE	Conference for Security and Cooperation in Europe (forerunner of OSCE)
CSO	civil society organisation
DCI	Development Cooperation Instrument
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EOM	Electoral Observation Mission
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood Policy Instrument
EP	European Parliament
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
EU	European Union
GSP	Generalised System of Preferences
HRD	Human Rights Defender
HRDN	Human Rights and Democracy Network
IfS	Instrument for Stability
IPA	Instrument for Pre-Accession Assistance
MEP	Member of the European Parliament
NGO	non-governmental organisation
OSCE	Organisation for Security and Cooperation in Europe
NP	Nonviolent Peaceforce
PBI	Peace Brigades International
R2P	Responsibility to Protect
TEU	Treaty on the European Union

INTRODUCTION

This report examines the theory and practice of nonviolent action and its application to civil society struggles for human rights and democracy, the role of external support for nonviolent movements, the existing European Union instruments and policies which can be used to channel external assistance, and possible avenues and courses of action to enhance and improve EU support to nonviolent civic action in third countries.

The assessment of existing EU instruments and policies and the recommendations suggested for improved effectiveness are based on interviews and bilateral consultation with nonviolent activists in various human rights and pro-democracy struggles worldwide.¹

This report does not examine the implementation of EU human rights and democratisation standards within the EU, and focuses more on the role and activities of the EU itself than of particular member states which are mainly mentioned in the context of acting on behalf of the EU.

¹ We would like to thank the following persons who have contributed either ideas or feedback on previous drafts of this report: Abdullah Abu-Ramah, Peter Ackerman, Sami Awad, Philippe Bartholmé, Susi Bascon, Goran Bubalo, April Carter, Laura Clarke, Farida Davoodi Mojaher, Cecile Dubernet, Mauricio García Duran, Jack DuVall, Javier Gárate, Timothy Garton Ash, Elham Gheytauchi, Sonia Kamenova, Jonathan Kuttub, Francois Marchand, Hardy Merriman, Vincent Metten, Jarmo Oikarinen, Clara Portela, Michael Randle, Adam Roberts, Berel Rodal, Alessandro Rossi, Sergeiy Sandler, Jochen Schmidt, Christine Schweitzer, Frank Slijper, Maria Stephan, Stephen Zunes, and other unnamed activists.

1. THEORY AND PRACTICE IN NONVIOLENT CIVIC ACTION

1.1. European heritage of civic action

Nonviolent civic action² is now accepted in Europe not only as a legitimate exercise of people's human rights, but as an expression of civil society³ and therefore part of a concept of democracy that goes beyond parliamentary representation to include other channels of debate and consultation, numerous types of association and many forms of citizens' action. Every country has its history of citizens forming associations and launching movements to resist injustice, to end authoritarian rule or external domination, and to claim the rights that are now enshrined in a range of international agreements and standards, including the Universal Declaration on Human Rights (1948), European Convention on Human Rights (1950), International Covenant on Civil and Political Rights (1966), and International Covenant on Economic, Cultural and Social Rights (1966). These rights include the very rights exercised when people undertake nonviolent action - the right to associate and maintain a civil society, freedom of expression and the right to publish, the right to organise and strike. From petitions and appeals through demonstrations and protests to strikes, citizens have developed forms of collective action through which to disrupt and obstruct oppressive practices and expand democratic participation. Social movements and pressure groups today continue to add to this repertoire of collective action against a variety of targets.

Historically, collective refusal, non-cooperation and campaigns of defiance have been essential characteristics of struggles for democracy and various types of emancipation. In the early 19th century, the term 'passive resistance' was coined to denote this kind of struggle. Gandhi objected to the designation 'passive' as his view was that nonviolent resistance is active, involving protests, acts of non-cooperation and social construction. Indeed nonviolent resistance could be said to demand greater activity from a wider section of the population than would armed strategies. Consequently, even though earlier centuries offer numerous examples of collective action for change without recourse to arms, it was only with Gandhi in the 20th century that nonviolent struggle - or its synonym civil resistance - became the object of study.⁴

Whilst peace movements have played an important role in developing the repertoire of nonviolent action, few nonviolent movements have adopted this strategy from a pacifist position of rejecting the use of arms in all circumstances. Rather they have made a strategic commitment to nonviolent methods because of their own circumstances - because a regime or oppressor has access to greater means of violence or because nonviolent methods are seen as more democratic and legitimate and therefore more likely to appeal to potential allies within the society or internationally, or because of

² "Nonviolent civic action" is also often referred to as civil resistance, nonviolent struggle, people power and strategic nonviolent conflict; usually the terms are interchangeable. The adjective "nonviolent" is used without a hyphen throughout the text to denote that nonviolence is active with deliberate restraint from employing physical force to pursue a cause.

³ "Civil society" in this paper is used in the sense of an area of social association autonomous from the state. Not all civil society groups espouse democratic values, however the existence of civil society is essential for democracy.

⁴ A review of scholarship on this subject is beyond the scope of the present report. However, we recommend April Carter (forthcoming, 2009) as a magisterial study of the literature in English, while her 2006 bibliography (compiled with Clark and Randle) is now online and updated at www.civilresistance.info/bibliography. Special attention should also be drawn to Roberts and Garton Ash (forthcoming, 2009) which includes 19 case studies.

the effectiveness of nonviolent action against regimes that try to 'steal' elections. A strategy of nonviolent action might well include using the full range of legal and institutional channels, including court cases and elections. However, when institutional means are inadequate or rigged, extra-constitutional means of nonviolent action are necessary to challenge entrenched power.

The causes pursued through nonviolent action are not always virtuous – they might oppose social reforms or attempts to secure privileges. However, most advocates of nonviolent action suggest that it is a strategy particularly suited to advance human rights and democracy: because it is open to diverse social groups, including those socially excluded, and because the organisation of nonviolent action helps to construct democracy and strengthen civil society.

Methods of nonviolent action are common in most societies, and range from petitions or vigils through protest rallies to forms of non-cooperation such as strikes and boycotts. Some forms of action seem to be distinctively part of the nonviolent repertoire – 'civil disobedience' and 'nonviolent direct action' including nonviolent obstruction, nonviolent occupations of land or buildings, and various types of defiance that challenge social exclusion (actions demanding civil rights for all races have inspired emulation by women, lesbians and gays, people with disabilities and a host of other social groups). During the second half of the twentieth century, even civil disobedience became a relatively normal feature of the political landscape in many countries. At the same time, new methods of nonviolent action are constantly being invented, most notably using new technologies. A key attribute that unites all methods of nonviolent action is the maintenance of 'nonviolent discipline', which is the ability of people to remain nonviolent even in the face of provocation or violent repression. Maintaining a nonviolent discipline, according to advocates of nonviolent struggle, strengthens the power of collective action. If the opponent resorts to violent repression, a movement's nonviolent discipline makes the repression more likely to 'backfire', to rebound against the opponent, and can lead to a loss of legitimacy, loss of support of allies, and sometimes even defections among those on whom the opponent relies to enforce its will.⁵

1.2. Strategic nonviolent action

The discussion of nonviolent action in this paper is not of a value system, but of a strategic approach bringing together a repertoire of actions and deploying particular forms of power to achieve goals consonant with human rights, social justice and democracy. The power of nonviolent action is twofold: the power of acting together and the power of refusal.

Acting together leads to the exercise of various types of power:

- the power of communication in its many forms, including the power of counter-information to official 'truths'
- the power to organise, to reach out and link with people and other groups
- the power to disrupt and defy
- the power simply to do things differently, showing an alternative to an existing oppressive system and developing new centres of power in society.

⁵ Richard Gregg (1935) coined the term "moral ju-jitsu", modified by Gene Sharp (1973) to "political ju-jitsu", reflecting that this is also a contest to gain the opinion of others. More recently Brian Martin (2008) has expanded this to the concept of "backfire", including studying how power-holders seek to neutralise "backfire", and how nonviolent movements can maximise its impact.

This process of 'popular empowerment' can be seen as mobilising a counter-power to a regime or to an economic giant. In liberal democracies, the opening phase of a social movement tends to revolve around aiming to arouse public opinion over a particular grievance, gathering information and using a variety of methods of public education, protest and persuasion to address this. In more repressive societies, the dynamic tends to be different. Public space is highly constrained, and the personal risks of taking action are high. Under dictatorship, or long-standing authoritarian regimes, 'hidden' or 'unobtrusive' forms of resistance come into existence, and groups look for relatively 'safe spaces' to extend networks. There are occasions for public challenges - sometimes opportunities such as funerals of symbolic figures, visits of foreign leaders, or sometimes an incident where a regime / opponent oversteps the mark or a crisis provokes popular protest. Nevertheless mobilisation and empowerment in these circumstances are likely to take less dramatic forms:

- expanding the space for people to meet and discuss
- probing the boundaries for public action
- linking networks
- finding messages and forms of expression that resonate with the public.

As this process develops, the embryonic movement will begin to devise popular demands or plan events that pose a dilemma to the opponent / regime (for instance, "recognise the free trade union and lose your monopoly on social organisation, or refuse and let the world see that workers have no say", "suppress the protest and lose credibility or allow it and let the people hear us", "stop selling the products of exploitation or face a consumer boycott"). A form of dilemma action particularly relevant to this report is when a group invokes an international convention signed by the state but then breached. The dilemma is "change policy and honour the convention or suppress us and expose yourselves as flouting international norms".

Initially movements tend to concentrate on building up their own strength, but ultimately they are in a contest with an opponent and need to analyse how to persuade or pressure this opponent to change course (or how to end the opponent's power). This contest includes the battle for public opinion, but also it is a battle of wills, where a local population has the advantage that the issue at stake matters more to them than to a remote opponent – it might literally be a question of survival – and where they are capable of inflicting certain costs on the opponent. These may be economic costs, personal costs or political costs in terms of the opponent's support base – loss of legitimacy and credibility, or disaffection among those on whose support the opponent depends. Ultimately a movement's action needs to address the 'pillars' that maintain unjust power - a regime's major allies, a company's major customers or suppliers, and the human components of the apparatus of repression.

Building up this counter-power establishes a basis for collective refusal or non-cooperation, which is in many circumstances the most powerful weapon of nonviolent resistance. Authoritarian regimes cannot function without the cooperation - willing or coerced - of at least key sectors of its population. Nonviolent movements therefore aim to shift the loyalty of those on whom the regime depends: not just its armed forces but also those who confer legitimacy or credibility ('opinion formers'), and those who lend it economic strength. When a regime's functionaries refuse to carry out orders (or perhaps simply do not comply with them), its power is crumbling.

This kind of strategic thinking played a key role in the 'colour revolutions' which earlier this decade prevented governments from stealing elections and forced them to stand down. It was also in the face of this kind of 'people power' that the regimes of East and Central Europe disintegrated in 1989. However, spectacular episodes of mass nonviolent non-cooperation do not just 'happen'. Rather they

are the culmination of social processes and strategic action that erode regime legitimacy and build up civic organisation.

The classic image of a tyrannical regime being rendered powerless by the mass nonviolent defiance of a united population may remain an inspiration, especially remembering tough times when this might have seemed inconceivable - as in Poland under martial law, in Czechoslovakia in the early 1980s, and in Milošević's Serbia in the early 1990s. In those three cases, within a few years, the rulers lost authority and had to step down. However, in some situations regimes do not depend on the populations they oppress – today in Palestine or Tibet, or Kosovo in the early 1990s – yet there remains considerable scope for nonviolent action. Therefore this report will pay less attention to the dynamics of how nonviolent civic power is exercised at such critical moments than to what is involved in building up to them. The reflections in this paper arise mainly from two distinct types of context: nonviolent action for human rights and democracy against an authoritarian state or occupier, and nonviolent action by a population beleaguered by violent social conflict. They are also relevant in contexts to which this paper pays less attention - such as nonviolent action by socially excluded groups for specific rights, nonviolent action against powerful economic interests and their projects, and nonviolent action for self-determination.

1.3. Development of nonviolent strategy

1.3.1 A movement emerges

Even at an early stage, when an emerging movement is still fragile, it will benefit from identifying what points of leverage it might have on a regime, what costs it can exact, what dilemmas it can pose, and what potential allies it can approach for support. Space for action is not simply a 'given': it can expand or contract according to decisions by the movement or by its opponent, and according to the social support a movement musters.

Groups might plan a campaign with objectives and a strategy for attaining them – sometimes the strategy seems simply to emerge, sometimes it might flow from the intuitive strategic sense of a leader, but also it can be designed through collective processes of strategic planning. At this stage, when a movement is defining its objectives and strategy, external provision of resources on nonviolent action strategy can be especially helpful. Any strategy needs 'offensive', 'defensive' and capacity-building qualities: offensive in terms of exerting pressure for change; defensive in terms of protecting the space and activists, for instance by taking measures to make sure that acts of repression will 'backfire' against the regime (Martin 2007); and capacity-building to strengthen organisation.

Especially in a situation of ethnic conflict, cross-community dialogue and the search for allies within the dominant community are strategic concerns where external actors can play a constructive facilitating role. "The chain of nonviolence" - a concept first proposed by Johan Galtung (1989) - suggests that when an oppressed community cannot directly influence power-holders in a situation, the nonviolent movement should begin link-by-link to construct a chain of influence by approaching those people they can reach, planning that each link will in turn connect with others until the chain extends to people with greater influence on the power structures and even to decision-makers themselves.

A movement in its early stages – in particular at the point of its emergence as a public actor – might be at its most vulnerable and in need of protection, be that from institutions within its own society (churches play this role in some societies) and from international sources. It can be particularly useful

to identify with some set of international standards – the Helsinki Accords in 1976 being an outstanding example offering a normative and legitimating framework for groups such as Moscow Watch and Czechoslovakia’s Charter 77.

1.3.2 A movement matures

As a movement matures, it looks to establish unity behind a set of demands and to be recognised as a voice representing a significant sector of opinion. The networking and mobilisation continues, but now the movement has its own public organs and institutional links, and takes its place in national and international forums. The movement continues to spread skills among its members, including an understanding of its strategy, and continues to expand its resource base. A powerful opponent will try to marginalise this movement; a less secure and therefore more repressive opponent might try to outlaw or ‘decapitate’ it, imprisoning or even assassinating key figures, misrepresenting its message and discrediting it as ‘a tool’ of a hostile foreign power, and severing links with outside support.

The need for ‘defence’ grows – for places to shelter, for hardship funds for those who lose their jobs, for actions to highlight incidents of regime violence, for contingency plans to maintain communication in the event of closure of media, seizure of computers, or worse. However, the ‘offensive’ opportunities also expand as disquiet with the regime / opponent grows, not only at home but also internationally.

Social movements are wider than their organisational structure, usually connecting several organisations and networks. As movement organisation strengthens, increased funding - either raised from its domestic support base or internationally - will expand its possibilities, but might also exacerbate internal problems of competition for resources within the movement and its associated non-governmental organisations (NGOs)⁶ They will be most effective when they agree a division of labour where difference leads not to rivalry but rather to a cooperative diversity.

1.3.3 When a movement gets blocked

The growth of a movement is rarely linear. Periods of rapid expansion might be followed by periods of apparent stagnation. Bill Moyer’s Movement Action Plan (Moyer et al 2001) suggests that especially in this phase a movement needs to recognise how much it has achieved. A period of high activity might be followed by a phase of exhaustion. This can be alleviated by coordinating, sharing and rotating responsibilities, but also by establishing some continuing low-risk sustaining activities, good for morale and team-building. Many struggles contain a creative ‘cultural’ dimension, perhaps popular education or clubs, perhaps performance art such as drama and music, perhaps communal activity such as singing, and increasingly graphic art and video clips. Gandhi looked to what he called the “constructive programme”. This was a set of everyday practices whereby the movement responded to social problems and tried to meet social needs from its own resources, without demanding anything of the state. If its symbol was the spinning wheel and wearing homespun cloth, it also included basic education and various other programmes. The people involved were

⁶ In general, this paper presents the potential for good of NGOs, but there are a wide variety of NGOs. Some play a very helpful role in movements, others more divisive as they pursue their own interests, while still others have little connection with grass-roots movements. Therefore various more precise terms have been invented to refer to types of NGOs: Civil Society Organisation (CSO), Social Movement Organisation (SMO) or Community-Based Organisation (CBO), the latter referring to groups oriented towards mobilising their community in various forms of action.

themselves trying to build their desired future. At the same time they were strengthening the capacity of their movement.

A dramatic and more recent example of the power of constructive action is the Green Belt movement in Kenya. This began in the 1970s as a women's tree-planting programme but grew into a powerful social network capable of taking on the government over issues of corruption, democracy and human rights. It illustrates that constructive action can itself be contentious: simply organising autonomously was seen as threatening the state's prerogative and building an infrastructure with the potential for wider resistance. Therefore the Kenyan state forestry commission withdrew its cooperation with the tree-planting programme, leading the women to find new partners - including international agencies - and adopt new modes of organisation.

In Colombia, too, the constructive work of the peace communities and zones of peace has faced harassment from all the 'armed actors' – guerrilla, paramilitary and state security forces. Peace zones, declared by indigenous tribes, communities of displaced people and some municipalities, are constructive efforts to live in dignity and build the desired future. Yet the best known Peace Community, that of San José de Apartadó founded in 1997, has witnessed the killing of more than 140 of its members by guerrilla, paramilitary and state security forces.

Sometimes constructive action is deliberately confrontational. When Palestinians try to plant olive trees or harvest olives on land from which they have been evicted, their nonviolent action is designed to dramatise the injustice to them.

1.3.4 Nonviolent struggle and conflict transformation

Nonviolent action shares many characteristics with 'bottom-up' approaches to conflict transformation, beginning with the emphasis on popular empowerment. Nonviolent action against human rights violations often serves as 'an early warning' of the potential for violent escalation, while nonviolent action to redress power asymmetries can be an attempt to lay the basis for peace with justice (Dudouet 2008). It should also be recognised that in a society driven by violence, those who speak for peace are entering into a struggle: they will face attempts to discredit them and will be vilified by others intent on perpetuating violence and are quite likely to be at risk from sectors of their own community. In short, an approach to civil society peacebuilding that lacks the dimension of nonviolent struggle is inadequate in the face of determined hostile forces. Therefore in this report we see that nonviolent struggle should be a component both of thinking about violence prevention when war is threatened and post-war peacebuilding.

1.4. The role of international action in nonviolent struggle

The key to success in nonviolent action is usually to be found among the population in struggle, in their capacity to unite despite differences, their determination and courage, and their resourcefulness and skill in waging nonviolent combat. Leaders of nonviolent struggle since Parnell in Ireland and Gandhi in India have often argued that movements should rely on themselves and avoid dependence on external actors. More recently, however, the achievements of the worldwide struggle against apartheid have raised expectations of what can be achieved through international solidarity. Nevertheless, it should be remembered that these gains against apartheid resulted from more than 30 years of work, the bringing together various networks – religious, labour, student – and a strong commitment from some governments.

Analysts of nonviolent struggle often advise against expecting too much from external support. The pioneer scholar of nonviolent action, Gene Sharp, has warned that “World opinion on the side of the nonviolent group will by itself rarely produce a change in the opponent’s policies. Frequently a determined opponent can ignore hostile opinion until and unless it is accompanied by, or leads to, shifts in power relationships, or threatens to do so” (Sharp 1973: 662, emphasis in original). He goes on to argue that, not only is third-party support “more likely to be forthcoming when nonviolent struggle by the grievance group is being waged effectively”, but third-party action should “play the auxiliary role of backing up the main struggle being conducted by the nonviolent actionists from the grievance group themselves” (663).

1.4.1 Third party action from civil society

At the point of emergence of a movement of nonviolent action for human rights, there are two main sources of international solidarity. One tends to be people who can broadly be described as being in the society’s diaspora.⁷ Diaspora groups can provide channels of information into and out of the country and mobilise resources. Often exiles are a central point of reference for solidarity campaigners, becoming a useful lobby on behalf of the movement at home. It was the group Alcan’t, formed largely from diaspora Indians in Montreal, who in 2003 convinced the aluminium corporation Alcan to withdraw from a destructive mining project in Orissa, India. Groups of exiles can also be a source for new strategic proposals: at times these have gone in the direction of promoting armed struggle (notably the Kosova Liberation Army), but exiles from various communities are also promoting greater awareness of the underexplored possibilities of nonviolent action, as for instance in the Western Sahara (Stephan and Munday 2006).

Another vital source of international solidarity for fledgeling movements tends to be from civil society networks, especially groups sharing some affinity with the movement and willing to play a role that has been described as “a movement midwife” (Pagnucco and McCarthy 1999). This includes visiting, offering counsel, contacts, access to funding, training and other forms of support. Peer-learning through experience exchange with fellow-activists is particularly effective, and many groups have now produced training materials for nonviolent action or campaigning, including a computer game on nonviolent action strategy, *A Force More Powerful*, based on the direct experience of activists from Serbia’s Otpor movement and the historical study contained in Ackerman and Duvall’s book *A Force More Powerful* (2000) and accompanying videos. Sometimes experienced activists have moved to work alongside a more recently formed movement, and a number of volunteer services have offered support by placing volunteers with hard-pressed nonviolent action groups.

1.4.2 Protective accompaniment

An international presence is no guarantee of safety for nonviolent activists, yet the growing experience and analysis of ‘protective accompaniment’ confirms how effective it can be. Protective accompaniment can be a vital precaution at each stage in a nonviolent movement’s development - from when it emerges from ‘hidden resistance’ to becoming ‘a social actor’, and each time it initiates a new phase of action (Eguren 2009). This form of intervention includes both high-profile visits by

⁷ This is despite factors such as the strong differences between different types of exile (activists temporarily abroad and keen to return, asylum-seekers or economic refugees wanting to settle, and second- or third-generation communities), the carrying over of domestic social divisions into the diaspora, or the problem of diaspora activists being out of step with the circumstances and strategy evolving in the home country.

parliamentarians, officials of international organisations, Nobel laureates or other celebrities, and the kind of daily escorting of threatened activists and groups provided by an organisation such as Peace Brigades International (PBI). PBI sees the role of protective accompaniment as 'expanding the space' for local activists and in particular human rights defenders. Wearing PBI t-shirts or tabards to be a visible presence, as well as escorting threatened activists and groups, they repeatedly report to the offices of those responsible for protecting human rights – including both local and international institutions. The field teams are backed up by a web of contacts around the world, including PBI's own national groups, ready to respond to an alert.

Mahony and Eguren's detailed study (1997) of PBI's work in Guatemala in the 1980s shows the vital role of protective accompaniment in supporting the emergence of various social movements, both in urban and rural contexts, while interviews with those implicated in the death squads of that era confirm that PBI's presence had a dissuasive impact, that PBI effectively 'raised' the cost of 'disappearing' any activists it was accompanying. PBI's longest-running and biggest project has been in Colombia, usually deploying more than 50 international accompaniers.

Various other bodies have developed their own forms of protective accompaniment. Nonviolent Peaceforce (NP) refers to its field staff as "nonviolent peacekeepers", and again they work with local activists, building confidence to take action for peace and human rights. Their project in Sri Lanka includes various forms of accompaniment, including of those who go to armed groups to demand the return of youths forcibly recruited (kidnapped), while in the Philippines, NP is accompanying local civilian ceasefire monitors, acting as a non-partisan international civilian presence helping to enforce the people's will for peace.

Both PBI and NP take a stance they describe as "non-partisan". In contrast, in Palestine the International Solidarity Movement calls for international volunteers to accompany local activists in Palestinian-led nonviolent action against Israeli occupation. Other civil nonviolent intervenors in Palestine take different approaches. The Christian Peacemakers Team act from their own interpretation of justice, 'getting in the way' to obstruct injustices such as house demolitions. The Ecumenical Accompaniers for Peace in Palestine and Israel take the firm view that Israeli occupation is illegal and should be ended, yet try to behave with impartiality, supporting and accompanying those from either community who engage in nonviolent action for peace.

In addition to their impact on the ground, on returning to their home countries the international accompaniers usually engage in public education work, giving talks and writing articles about their experience and generally playing the role of 'witnesses'.

1.4.3 The "boomerang effect"

Recent social movement scholarship has devoted considerable attention to what Keck and Sikkink (1998) have called the "boomerang effect". That is, that when a local movement is either blocked through repression or is failing to make headway in building social support, then it looks for allies outside, such as 'transnational advocacy networks' that have common concerns and work on similar issues. Contact with such networks can afford some protection to activists, but also can be a means of leverage on their opponent, whether it is a regime repressing human rights, a consortium embarking on a project threatening the indigenous population or harming the environment, or a corporation exploiting cheap labour. This is particularly effective when an international norm is being violated, and can be seen in many campaigns against human rights abuses as well as on social issues (such as sweatshop labour) or environmental destruction. In essence the 'boomerang' responds to the weakness of a local movement compared with the forces against it by triggering various forms of

international leverage, usually beginning with citizens action but culminating with governmental pressure or the ruling of an international tribunal.

There are a range of support activities and forms of organising supporting. Keck and Sikkink stress the importance of cooperating to accumulate and use counter-information. Providing a platform can extend from public education to putting forth arguments at various types of international tribunals. Exchanges can include study trips to area concerned or organising speaking tours in Europe. Pressure can extend from letter-writing to consumer boycotts, which have been especially effective in solidarity with groups such as sweatshop workers. Organisational networks are vital, including trade unions, churches and networks offering solidarity. In various European countries networks of 'twinned' local councils offer moral and material support to nonviolent movements in other countries, while - with concepts such as 'civil peace service' or 'volunteers for cooperation' - schemes have proliferated offering placements with groups engaged in nonviolent action for peace.

Nevertheless, the emphasis has to remain on strengthening what is happening at the site of nonviolent struggle. Empirical studies bear out Gene Sharp's caution, previously cited, in particular warning groups not to concentrate on what can be achieved through transnational alliances at the expense of building up locally. Coinciding with Sharp, leading social movement scholar Sidney Tarrow (2005) insists that it is primarily by maintaining local strategies of contention that movements will gain a say in decisions made in distant metropolitan power centres.

1.4.4 Pitfalls of assistance

Transnational support for nonviolent movements is often helpful and at times vital, but it also requires learning about other cultures and others way of thinking and doing. Those who fund international NGOs need to check the claims made for NGO programmes against the perceptions of the supposed 'beneficiaries', aware that some transnational NGOs have their own agendas, which may not be those of grass-roots activists in the countries where they work.

On occasions campaigning groups in the global north have been accused of 'disempowering' their 'partners' in the global south. Gay Seidman (2007), discussing sweatshop work, criticises what she provocatively calls the "human rights discourse"⁸ of focusing on the 'plight' of 'victims' in contrast to an organising approach that seeks to change power relations, for instance by supporting the demands and right to unionise of workers. Metropolitan-based 'global lobbyists' have at times been accused of reaching agreements that do not reflect the demand of community-based nonviolent movements whose very survival is threatened by large industrial projects. A problem particularly for women's or lesbian and gay movements has been the importing of western definitions; Samba (2009) argues that it was only when African lesbian and gay activists defined their own approaches that they could make headway.

For its part, democracy promotion is a relatively new field of assistance, compared for instance to economic development where there has long been awareness of the 'unwanted side-effects' of aid. Western democracy assistance to post-Soviet countries is particularly noted for spawning self-serving NGOs. Stephen Jones (2009) captures the ambivalence: Western aid (including €385 million from the European Commission between 1991 and 2003) encouraged the formation of 9,000 registered NGOs.

⁸ It should be noted that there is not just one 'human rights discourse', and the practices of the most effective human rights organisations are not set in stone but are shifting in the direction of supporting grassroots 'human rights defenders' and establishing a 'human rights culture'.

However, “the privileged leaders of the Georgian Third Sector in Tbilisi, paid in dollars and driving imposing looking Land Rovers, were often resented by the general population”. Nevertheless, he continues, this elite “promoted norms of democracy and civil rights in legislation, in the media, and in the universities” and therefore had an influence disproportionate to their numbers with the ‘Rose Revolution’ of 2003.

NGOs at times are self-serving. In discussing EU support for human rights and democratisation, we take it as axiomatic that every effort should be made to identify groups (whether registered NGOs or not) with a genuine democratic commitment and willing to connect with other groups to build a nonviolent movement for human rights, with all the risks that that might entail.

The Diplomat’s Handbook (2008) counsels “listen, respect and understand”. This should be central to all intervention contemplated in foreign countries. Grass-roots nonviolent movements need to educate external actors about what support is appropriate and welcome. In turn, they often need international advice about the kinds of support are available and how they can be accessed.

1.4.5 The issue of legitimacy

The issue of appropriateness of external support for nonviolent movements is primarily a matter of the movement and those offering support reaching a common understanding. The question of what is legitimate, however, raises other issues.

Transnational non-governmental networks of mutual support have existed for generations - between trade unions, women, co-religionists, campaigners on particular themes - and play an increasing role in the establishment and maintenance of various international norms (Smith et al 1997). Also it is quite conventional for political parties to support sister parties in other countries, and many governments have encouraged twinning arrangements, for instance between municipalities. At times, various governments have put restrictions on such interchanges, in particular trying to control financial transfers. However, EU countries understand these relationships as part of the normal and accepted civil society interchange in which states should only interfere to prevent crime. Nevertheless the cry of ‘this is an internal affair’ has often gone up from states facing international condemnation for human rights abuses. The 1975 Helsinki Accords played a vital role in changing the space for civil society groups in the Soviet bloc, first by setting standards that became a reference, and secondly through offering a legitimising framework of cooperation and exchange between the two blocs. Today the EU’s cooperative relationships with various states offer potential for a similar impact - in particular pre-Accession states (candidates to join the EU), neighbours (either former Soviet countries or in the Middle East), partners in Human Rights Dialogues plus some other states where there are particular programmes of cooperation. How they have been implemented in practice will be evaluated from the point of view of nonviolent movements for human rights and democracy in Section 2.

When relationships function on the basis of cooperation, there is little contention over the legitimacy of mechanisms for strengthening human rights practices and democratic governance. One element of this cooperation is said to be ‘social learning’ - that is what people learn about each other’s societies through contact. An example of this social learning can be seen in pre-Accession Turkey: a high proportion of the cases now before the European Court on Human rights have been brought by Turkish civil society groups. Of particular relevance to this study, is social learning through exposure to democratic practice and interchange between civil society groups. However, as Section 2 will report, certain states with cooperative agreements with the EU continue to violate human rights, including the right of civil society groups to organise and to receive external support. In such

instances, the EU is in a position either to insist on being allowed to support civil society development or to withhold the incentives offered in the course of cooperation.

In terms of legitimacy of EU support for nonviolent movements, there are more complexities outside this context of inter-state cooperation. The legitimacy of direct foreign governmental (including EU) aid to oppositional movements in other countries is based essentially on a common support for universal – or at least widely shared – values. When governments violate international norms and human rights - deny the rights of their subjects, prohibit freedom of association and expression, and practise censorship and torture – the nonviolent movement's whose rights are thus denied have the right to appeal for international help. Those to whom they appeal have not just the right but the duty to respond (Ackerman and Glennon 2007).

As explained more fully in Section 2, the EU has not only adopted the central international human rights conventions - notably the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the UN Declaration on Human Rights Defenders - but has also agreed that these apply to all external action by the EU and its institutions. These standards provide firm ground for criticisms of states that violate rights and should be raised at every level of interaction with them.

A nonviolent movement might have qualms about receiving foreign support, for instance women or gay activists who do not want to be dismissed as agents of 'cultural imperialism', or opposition movements who do not want to be denounced as 'colluding with a hostile foreign power'. Furthermore, while helping threatened activists can require a degree of secrecy, this takes on a different complexion if the outside group is not based in civil society but is rather part of the secret service of a foreign state.

If it is the task of the nonviolent movement concerned to define what type of support it welcomes, it is the responsibility of representatives of external states to spread awareness about internationally agreed standards - about the agreements themselves, about international measures to promote the standards agreed (for instance, UN-declared "international days"), and about channels for redress of human rights violations. These channels of redress include not only international tribunals and courts, but also possible forms of direct support for nonviolent movements. The claims of state sovereignty have traditionally inhibited foreign governmental 'interference' in the affairs of other states, including interference from intergovernmental organisations. However, such norms are changing. In the last 15 years the practice of international monitoring of elections has become widely accepted. External funding for particular candidates in elections remains controversial, but substantial aid has been allocated to promote fair electoral processes.

As noted above, the EU prefers to address human rights violation through dialogue and cooperation with the state concerned. Yet in extremis, the EU and the UN are now willing to take the attitude that when a state systematically denies the rights of large sections of the population then international action is necessary. The Responsibility to Protect (R2P) doctrine, embraced by both the UN and the EU, contends that where a state fails to protect its own population or actively persecutes a section of population, then protection becomes an international responsibility that would in the last resort justify international military intervention.⁹ Our argument, here, is simpler and concerned with what to

⁹ The Responsibility to Protect doctrine was initially elaborated by the Canadian-sponsored International Commission on Intervention and State Sovereignty in 2001, and subsequently adopted by the UN World Summit in 2005. Both the European Commission and the European Parliament have been active in promoting R2P.

do before the last resort has been reached, and indeed where military escalation can still be prevented.

The R2P doctrine refers to the need for non-military measures to prevent violence, including the support for civil society peacebuilding initiatives. However, it fails to recognise the role of nonviolent action demanding social justice and combating asymmetries of power. In this paper, we contend that nonviolent action can be a key method of violence prevention, and that in situations of armed conflict, action for peace often includes waging conflict nonviolently to challenge those who inflict repression and violence. Support for nonviolent action for human rights and democracy offers the EU an additional tool to use to establish the long-term conditions for peace and stability.

It is worth remembering the situation of Kosovo in the early 1990s. The EU's Badinter Commission had ruled that Kosovo had no constitutional claim for independence. Hence while Yugoslavia disintegrated, the Albanian majority of Kosovo were more or less abandoned to their fate under the harsh oppression of the Milošević regime. To its credit, the European Parliament awarded Adem Demaçi the Sakharov prize for 1991, but the European Community at that time was largely preoccupied with what was happening elsewhere in the former-Yugoslavia and offered the Kosovo Albanians little counsel except not to be provoked and to settle for autonomy within Serbia. In 1992-93, the CSCE established a mission for Kosovo, the Sandzak and Vojvodina, but this was withdrawn in reprisal for the suspension from the CSCE of the FR of Yugoslavia (Serbia and Montenegro). The first major diplomatic visit to Kosovo did not take place until 1997 when a dozen ambassadors, including the Dutch as incumbent EU president, went from Belgrade to Prishtina to try to convince students to call off protests for the right to education (Clark 2000). In short, throughout the decade, a war was brewing in Kosovo from which the territory has emerged with quasi-independence and a bitter legacy despite the most expensive per capita peacebuilding programme ever. It is reasonable to suppose that a timely application of just a fraction of such resources - strengthening the international presence, supporting education, health and other social programme, promoting human rights and dialogue - could have produced an outcome more desirable in terms of ethnic relations and human rights.

2. ASSESSING EXISTING INSTRUMENTS AND POLICIES FOR EU SUPPORTIVE ACTION

The EU has declared human rights and democracy a central aspect of both its internal and external policy. The 1993 Treaty on the European Union (TEU)¹⁰ recognises “the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to Member States” (article 6). In addition, the Charter of Fundamental Rights of the European Union (2000) sets out in a single text the whole range of civil, political, economic and social rights enjoyed by the citizens and residents of the European Union, and the Reform Treaty (the Treaty of Lisbon) plans to give these provisions a binding legal force in most EU countries.

The TEU also stipulates that human rights and democratic principles should be integrated into EU external action, in the domains of Common Foreign and Security Policy (CFSP) (article 11), community development cooperation policy (article 177), and economic, financial and technical cooperation with third countries (article 181a). The CFSP’s further Guidelines on Human Rights, although not legally binding, express a strong political commitment to carry out systematic and sustained action in specific areas such as the fight against torture,¹¹ the protection of human rights defenders¹² and the conduct of human rights dialogues with third countries.¹³

In addition, the European Council adopted in 2001 a Programme for the Prevention of Violent Conflicts¹⁴ calling for “a cooperative approach to facilitate peaceful solutions to disputes and [address] the root-causes of conflicts”, including by assisting “local and regional capacity building according to principles of local ownership.” This declaration thus highlights the role of local actors in violent conflict prevention, and calls for a comprehensive understanding of conflict resolution and peacebuilding integrating the elements of civil society empowerment and struggles for human rights and democracy.

This section presents existing EU instruments for the external promotion and support of democracy and human rights which can be used to assist nonviolent activism in third countries. It also assesses the past and current application of such instruments in various contexts, mainly in situations of ‘structural conflicts’ (authoritarian regimes or acute human rights abuses), but also in the midst of violent conflicts (one-sided violence by the state against its own subjects, or internal armed conflicts between state and non-state actors) and during post-war recovery processes. It describes a wide variety of structures and schemes which can be used to offer both direct and indirect assistance to nonviolent social movements, and provides examples of good practices by EU institutions (Parliament, Commission, Council, Delegations in third countries) – as well as some missed opportunities and inconsistencies. It also argues that despite the legal principles referred to above,

¹⁰ The Treaty of the European Union (consolidated version) is accessible online at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:PDF>

¹¹ EU Guidelines on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2001, revised 2008). See www.consilium.europa.eu/uedocs/cmsUpload/8590.en08.pdf

¹² EU Guidelines on Human Rights Defenders (2005, revised 2008). See www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf

¹³ EU Guidelines on the conduct of Human Rights Dialogues (2001, revised 2009). See www.consilium.europa.eu/uedocs/cmsUpload/14469EN_HR.pdf

¹⁴ Accessible at www.eplo.org/documents/EUprogrammePreventionViolentConflicts2001.pdf

EU human rights and democracy assistance still too often depends on the good will of its member states and rotating Presidencies, and tends to concentrate mainly on ‘democratisation-from-above’ through inter-governmental dialogue, governance reform or socioeconomic development, at the expense of ‘democratisation-from-below’, in the form of support for local CSOs and social movements.

2.1. Direct support to nonviolent campaigns for human rights and democracy

The best starting point for discussing EU support is the EU Guidelines on Human Rights Defenders adopted in 2005 (and revised in 2008). Human Rights Defenders (HRDs) are “individuals, groups and organs of society that [...] seek the promotion and protection of civil and political rights as well as [...] economic, social and cultural rights. [...] The definition does not include those individuals or groups who commit or propagate violence.” Although this does not use the term “nonviolent action”, this clearly refers to activities that can come under that heading - documenting human rights violations, seeking remedies for victims of such violations, and combating cultures of impunity. Leading international human rights organisations have welcomed the Guidelines but are concerned at the lack of systematic implementation and doubt the political will of EU member states to prioritise human rights and protection of HRDs.¹⁵

This sub-section presents instruments and policies which have been used by EU diplomats and institutions to support existing nonviolent struggles for human rights and democracy by means of diplomatic, physical, financial or technical intervention. These actions can be tailored to suit the strategy and circumstances of the nonviolent movement concerned: they include both direct means of ‘offensive’ assistance (e.g. helping civil society mobilise effectively) as well as ‘defensive’ assistance (e.g. supporting activists in meeting the needs and costs resulting from their action).

2.1.1 Diplomatic and physical assistance to nonviolent activists

The most common existing forms of direct or implicit supportive interventions carried out by EU representatives serve several purposes simultaneously and include:

- using the visibility and prestige of EU institutions to publicly express respect for and solidarity with nonviolent struggles for justice and democracy, to publicise their actions and raise their profile and credibility nationally and internationally;
- helping raise the morale of civil society leaders and reinforce their self-confidence in the legitimacy of their work;
- offering protection to threatened activists and political dissidents against intimidation or violent measures by oppressive rulers;
- facilitating access to strategic contacts and information exchange between local activists, connecting them to the outside world (e.g. foreign assistance programmes, international NGOs, transnational solidarity networks and other groups), and provide them safe venues to exchange skills, experience and information about aspects of nonviolent action. These contacts might also be useful in terms of constructing the “chain of nonviolence” mentioned in Section 1.

‘On-site’ interventions:

¹⁵ Concept Paper for the 2009 Conference on Security and Protection for Human Rights Defenders to be held in London, April 2009.

In-country 'protective accompaniment' to discourage arbitrary repression of legitimate nonviolent activities is not yet officially part of EU policy, but is carried out on an ad hoc basis by individual diplomats or local EU missions. In some cases, Commission delegations appoint a liaison officer who acts as a permanent contact point with civil society leaders. Examples of past and current best practices include:

Attending events and press conferences organised by civil society organisations: For instance, the presence of EP Vice-Chair Luisa Morgantini at the first international conference on nonviolent resistance organised in the village of Bil'in added visibility and legitimacy, both within Palestine and vis a vis the Israeli government.¹⁶

Inviting HRDs to public receptions in embassies: In Colombia, the EC delegation has organised joint press conferences with civil society representatives to honour their work (Collier 2007: 12).

Telephone calls and home/jail visits to threatened, confined or imprisoned activists: an official visit by the European Troika in 2001 drew attention to the continuing house arrest of the Burmese opposition leader Aung San Suu Kyi.

Trial monitoring: The EU Guidelines on HRDs advise EU officials to attend trials of civil society activists, an activity that is already well established in certain countries where the embassies of EU states have developed a good rotation system.

Visiting and even joining demonstrations: The visit of Polish premier Kwaśniewski and EU High Representative Solana to Ukraine after the rigged 2004 elections helped throw the authorities off balance as their "very presence provided the protesters with legitimacy and time, which were both vital ingredients in giving their action bite" (Wilson 2005: 138). Countries where similar interventions by EU officials have been reported in recent years include Nepal, Serbia, Zimbabwe, or Belarus, where MEPs accompanied the protest march of the democratic opposition on the eve of the 2001 presidential elections, while the Head of Missions visited the tent camp protest set up after the 2006 elections.

Providing safe exits and shelters for activists at serious risk: Some EU member states have developed efficient emergency visas procedures to allow human rights defenders to come to Europe for 'rest and respite'. In Nepal during the 2005-6 popular protests, threatened dissidents were granted visas by European Embassies and then were accompanied to the airport and departure gates by diplomats to block their seizure by authorities (The Diplomat's Handbook 2008). This form of assistance has now become a regular task of local EU missions and was formally added to the revised Guidelines on HRDs in 2008.

'Off-site' intervention:

Solidarity activities and protective intervention do not necessarily require the presence of EU diplomats in the activists' country, and can also be performed within Europe. The European Parliament has played a particularly prominent role in such activities.

Convening nonviolent activists to meetings and hearings in Europe: Numerous political dissidents have been received in plenary at the European Parliament, such as chess champion Gari Kasparov, now a prominent critic of the Russian government, in May 2007 (shortly after his arrest) or the Tibetan leader the Dalai Lama in December 2008, who also held his first meeting with an incumbent EU President (Nicolas Sarkozy). The strong reaction of the Chinese authorities to this event – they postponed the

¹⁶ Phone interview with the coordinator of Bil'in Popular Committee against the Wall, January 2009.

11th EU-China summit – testifies to its symbolic power.¹⁷ In cases where the regime has tried to prevent such contacts by denying exit visas, communication technology has been used to bypass such travel restrictions: the Cuban human rights advocate Oswaldo Paya was able to communicate by video to an EU-NGO forum on freedom of expression (The Diplomats' Handbook 2008: 26).

Organising gatherings of human rights defenders: International events such as the Conference organised to celebrate the 10th anniversary of the UN Declaration on HRDs in Brussels in 2008 offer a safe space where activists can exchange cross-country experience and lessons learnt, as well as build networks or strategic alliances across various nonviolent struggles.

Granting awards: The EP's leading worldwide role in promoting human rights and democracy is primarily symbolised by its annual Sakharov Prize for Freedom of Thought, which offers international recognition to its winners as well as financial assistance to help them carry on their activities. Past laureates include several figures associated with nonviolent action. An external study assesses positively the impact of the prize on its recipients in terms of protection, visibility and enhanced legitimacy, and international networking; but it also notes its weak media coverage in non-EU countries and the lack of follow-up to the award by the Parliament (EIUC 2006).

Public declarations of support: EP statements of solidarity with threatened or arrested activists through public declarations, resolutions or letters of concern are listed every year in the EP Report on Human Rights in the World.

In short, the European Council, Commission and Parliament have at their disposal a wide array of policy instruments to support and protect human rights and pro-democracy movements, and there are numerous examples of their beneficial effect on the work and life of nonviolent activists. However, their implementation tends to be patchy, and is largely influenced by the competing interests of EU staff and member states. Activists have noted some inconsistencies in the forms and degrees of support offered to nonviolent opposition groups worldwide, and the case of Azerbaijan is a particularly blatant illustration. Western concern for oil supplies and strategic considerations (cooperation in the fight against terrorism) have meant that major European countries have been both forgiving towards human rights violations and autocratic policies by the regime, and unwilling to extend support to the nonviolent opposition which attempts to mobilise people power since 2003. This attitude stands in sharp contrast to the EU response to similar conditions in Georgia in 2003, Ukraine in 2004 and Belarus in 2005 (Youngs 2009).

2.1.2 Financial and technical assistance: enhancing civil society capacity building

Throughout the various stages of development of nonviolent movements described in Section 1, activists seek to increase their skills and effectiveness in offensive (e.g. communication, mobilisation, non-cooperation, constructive action) and defensive (e.g. self-protection, legal defence) strategies, and external actors such as the EU can support these grass-roots efforts through direct financial and technical assistance.

A new architecture for EU external cooperation programmes:

Since the beginning of 2007, the European Commission has at its disposal a profoundly reformed structure for external assistance. There are now both geographic and thematic financing instruments, covering development, economic, financial, technical and humanitarian cooperation worldwide.

¹⁷Email communication with Vincent Metten, International Campaign for Tibet, January 2009.

Some of these include programmes which can be used to channel direct capacity-building assistance to civil society actors struggling for human rights and democracy. The most directly relevant thematic instrument is the European Instrument for Democracy and Human Rights (EIDHR).¹⁸ Its objectives include “enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk” (Objective 1), “strengthening the role of civil society in promoting human rights and democratic reform” (Objective 2), and “supporting actions [...] in areas covered by EU [human rights] guidelines” (Objective 3).

Several components of the EIDHR can be used to strengthen the skills and capacity of civil society actors in third countries to mobilise and take action effectively. Its action programme for 2008 notes that grants under Objective 1 should result in “strengthening the capacity of local civil society (NGOs, trade unions, journalists, human rights defenders, etc...) to organise itself, to express, to exercise its rights and take part in international fora”. In fact, local and international civil society organisations represent 91% of all recipients of this instrument.

The EIDHR has also adopted flexible granting procedures which can help to counter state attempts to block foreign funding to civil society activism.¹⁹ For instance, as a thematic instrument, it can finance projects without the consent of the host government, even though this provision is difficult to implement in practice.²⁰ In response to NGO criticism about cumbersome financing procedures, the EIDHR has tried to reduce delays in funding processes, even dispensing with a tendering procedure when urgent action is needed. Its ‘country-based support schemes’ prioritise supporting local organisations, and locally based EC Delegations manage the calls for proposals. In some circumstances the EIDHR can finance not only registered organisations, but also non-legal entities or individual human rights defenders.

However, some of the dangers of foreign funding discussed in Section 1 limit the value of EU financial assistance to non-state opposition groups, in particular in countries whose regimes are not allied with EU governments. For instance, despite their limited funding capacities, Iranian women’s rights activists have firmly refused foreign financial assistance, out of fear of being labelled as foreign puppets or accused of colluding with external forces.²¹

Moreover, the general level of EU funding for human rights and democratisation (the EIDHR has an annual budget of €125m, including over €30m allocated to electoral observation missions) is still too limited in comparison with other sectors of external assistance.²² Besides, civil society actors argue that they face difficulty in accessing such funding, notably because of its relative lack of visibility and its administrative complexity. Finally, the calls for funding proposals are not always adapted to the needs of those nonviolent campaigns that largely rely on volunteers and only require modest funding: the grants awarded under Objective 1 are expected to fall between €150,000 and 1,200,000, which is far above what many civil society projects would request.

¹⁸ See http://ec.europa.eu/external_relations/human_rights/doc/2007_eidhr_en.pdf. The new instrument EIDHR replaces the previous European Initiative for Democracy and Human Rights (1994-2006).

¹⁹ Comprehensive listings of restrictions imposed by repressive governments against civil society organisations and external democratic assistance are offered by the International Center for Not-for-Profit Law (www.icnl.org).

²⁰ See the evaluation on EC aid delivery through Civil Society Organisations, Final Report, December 2008, page 34.

²¹ Interview with leading Iranian women’s rights activists, January 2009.

Provision of useful skills and resources for nonviolent campaigners:

The areas of support where EIDHR and other financial instruments can best benefit civil society mobilisation for human rights, democracy and peace include:

Information and communication: Information technology has become a primary tool both of internal mobilisation and international advocacy. For this reason, repressive governments often impose strict control over the media and other means of internal and cross-border communication. EC financial assistance offers avenues for activists to develop effective communication strategies, by sponsoring the provision of technical material and training about information systems, public relations, advocacy campaign, video-editing, etc. For instance, in May 2008, a civil society seminar on media expression was organised in the margins of EU-Uzbekistan Dialogue on Human Rights.

Scholarships to study in Europe or attend training and conferences provide nonviolent activists with an escape route but also support capacity-building. For example, the European Humanitarian University provides 650 places for exiled Belarus students, including many forced to abandon their studies at home after participating in nonviolent action against the government (Jarabik and Silitski 2009: 114).

Networking: EU financial assistance also aims to help activists extend the 'chain of nonviolence' (see Section 1) by building cross-sector and cross-country alliances, as indicated in the EIDHR's 2007-2010 strategy paper: its country-based schemes encourage "the pursuit of common agendas for human rights and democratic reform based on cooperation among civil society organisations working in mutual support [and] building coalitions".

Protection and rehabilitation: 'Defensive' forms of external assistance provided by EU institutions offer practical tools for self-protection, including workshops on risk assessment, the use of escorts, the establishment of 'safe houses', tactics against surveillance, and other precautionary procedures. For instance, in 2007 the EIDHR funded a three-year initiative in Colombia campaigning for mechanisms of protection for social, popular and human rights organisations. In 2007 and 2008, it also allocated €22m for torture prevention and the provision of medical and psycho-social rehabilitation assistance to torture survivors in various countries, as called for by the 2001 EU Human Rights Guidelines on the fight against torture.

Capacity-building in contexts of armed conflict:

During armed conflicts, nonviolent groups often develop complementary activities combining the search for human rights and justice, peace, cohabitation, economic development and reconciliation. In these contexts, EU assistance to civil society tends to focus on the search for peaceful conciliation of inter-group interests, but such support also benefits nonviolent civic action by human rights and pro-democracy organisations.

The EU-sponsored Peace Laboratories in Colombia,²³ funded by the Development Cooperation Instrument (DCI) since 2002, are presented as a comprehensive programme to foster citizens' engagement in local development and peacebuilding processes. The first Peace Laboratory had the virtue of being a civil society initiative, later supported by outside institutions, in a zone of armed conflict and acute poverty. Funds are made available mainly to local self-organised projects

²²In comparison, the budget for the European Neighbourhood and Partnership Instrument (ENPI) for the period 2007-2013 amounts to €11 billion, and €17 billion for the Development Cooperation Instrument (DCI).

²³ See http://ec.europa.eu/world/peace/geographical_themes/colombia/peace_laboratory/index_en.htm

addressing the socioeconomic issues that fuel conflict. Second and third Peace Laboratories have now been established in less conflictive regions. As a geographic instrument, the DCI channels its grants through state institutions. Hence the Colombian government's Acción Social acts as a conduit for EU funds (augmented by the government's contribution). The EU has a record of combining cooperative partnership with the Colombian government with a firm condemnation of its human rights record and direct support for civil society. However, such forms of assistance require careful monitoring, in particular to ensure that they are supporting processes of peace-building from below based on nonviolent action for peace and justice, rather than the counter-insurgency approach to 'pacification' of the Uribe government's policy of "democratic security".

2.2. EU assistance to cross-border nonviolent intervention

Moving from direct to indirect forms of EU assistance to nonviolent campaigns, this sub-section investigates the relations between EU institutions and international CSOs offering third-party assistance to grassroots movements for justice, peace, democracy or human rights. There are contexts in which foreign non-state actors are better equipped to provide material, technical or human support than states or international organisations. They are usually closer to the ground, enjoy a higher degree of freedom of action and can react more rapidly to emerging crises and demands for urgent action. In addition, they are less inhibited by international law on territorial integrity and state sovereignty, and free of the national security or economic interests which might impede concerted EU action. Third party intervention through non-state agencies also helps to protect local activists from the accusations of foreign state interference and neo-imperialism by their opponents. Finally, it is often very cost-effective - the annual budget for the whole of Peace Brigades International (PBI), supporting operations in five countries, is US\$4 million.²⁴

2.2.1 Financial assistance to civil society cross-border accompaniment

Several EC financial instruments can be used to support European peacebuilding organisations, solidarity campaigns or research centres providing assistance to civil resistance movements in third countries:

Instrument for Stability (IfS): This new thematic instrument recognises that much of the field experience and capacity for conflict management lies in the civil society sector, both through their analysis and monitoring capacity and their extensive presence on the ground. The IfS supports "measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law ... [and] the development and organisation of civil society and its participation in the political process".²⁵ Its Crisis Response component allows for rapid funding decisions for short-term interventions in situations of erupting conflicts (up to 18 months). For instance, it is currently funding Nonviolent Peaceforce to provide unarmed protective accompaniment in Mindanao, the Philippines, to human rights defenders and civilian ceasefire monitors.²⁶ The Peacebuilding Partnership programme under the Crisis Preparedness component of the IfS funds longer-term initiatives to build the capacity of non-state actors engaged in the prevention of violent conflict and post-conflict early recovery and political stabilisation. It also aims to promote networking and sustainable cooperation between European and local peacebuilding actors in activities which include the "promotion/defence

²⁴ Email from PBI office, February 2009.

²⁵ See http://ec.europa.eu/europeaid/where/worldwide/stability-instrument/index_en.htm

²⁶ Email communication with Alessandro Rossi, European coordinator of NP, January 2009.

of respect for human rights, fundamental freedoms, democracy and rule of law". It could therefore be used to fund European NGO activities supporting nonviolent movements and actors, although so far hardly any peacebuilding NGOs have been supported by this programme.

EIDHR: Although mainly targeting third country CSOs, this also sponsors transnational projects and training programmes provided by European NGOs. Projects funded by the previous EIDHR instrument (1994-2006) included a grant to the UK-based organisation IFES to train Georgian NGOs in domestic electoral observation techniques, and a funding scheme to European institutes and think-tanks to support the establishment and accompaniment of the EU-Iran human rights dialogue.

Intra-EU financial instruments such as the Grundtvig programme on education and training have been used by nonviolent training initiatives such as the French Comité Intervention Civile de Paix (ICP) to prepare volunteers for civilian accompaniment missions abroad.²⁷

2.2.2 Civil society contribution to EU external policy on human right and democracy

As natural allies of nonviolent resistance campaigns, transnational civil society bodies are able to serve as intermediaries between them and intergovernmental organisations such as the EU, by lobbying on their behalf for new supportive legislation, or trying to influence the implementation of EU policies (as well as those of its member states).

Human rights and peacebuilding NGOs working internationally are often consulted about EU external policy, as in the planning or evaluation of human rights dialogues, the drafting process of financing regulations and programming documents of the EIDHR or IfS, or currently in redrafting the corporate social responsibility policy of the European Investment Bank. The setting up of the annual EU-NGO Human Rights Forum is the most tangible example of the institutionalisation of such consultation. Under the IfS's Peacebuilding Partnership, there is also a new programme aimed at enhancing the capacity of the civil society sector to provide European politicians with early-warning and analysis of incipient conflicts, for instance by financing a conflict prevention network, or by organising a series of policy-advice roundtables for relevant EU staff and decision-makers.

2.3. 'Carrot and sticks' instruments towards governments of third countries

This sub-section presents the diplomatic and political framework for EU engagement with foreign states through positive (dialogue and incentives) or negative (criticism and sanctions) instruments. These policies assist nonviolent action by helping to create an enabling environment for successful civil society mobilisation to take place. They have been variously employed in contexts of cooperative relationship with the incumbent regime, as well as where the government is seen as hostile to the EU and international interference.

2.3.1 Political interventions to express human rights concerns

The following diplomatic instruments of EU foreign policy have been used to raise instances of human rights abuses by the state against nonviolent activists in third countries, either by conveying human rights concerns towards the relevant authorities, or by discussing bilaterally the best methods of improving the human rights situation:

²⁷ Email communication with a coordinator of the Comité ICP, January 2009.

Public declarations and statements: Released by the European Commission, EU Council, Presidency or Heads of Missions, the types of declarations most directly relevant to nonviolent activists include those condemning threats and attacks against human rights defenders (illegal detention, torture, forced disappearance or extrajudicial execution), or supporting freedom of expression or association, the right to a fair trial, or the tenure of free and fair elections. For instance, in 2007-8, the EU published statements condemning the conviction or arrests of HRDs in Iran, Uzbekistan and Syria, the violent crackdown on demonstrations in Tibet, and other repressive state policies in Azerbaijan, Belarus, Burma, China, Colombia, Russia, Sri Lanka and Sudan. Declarations can also be used to welcome positive developments such as the release of human rights defenders in Ethiopia (July 2007) and Uzbekistan (February 2008).²⁸

Demarches: Recognising that public declarations and other forms of ‘megaphone diplomacy’ might sometimes have counter-productive effects (e.g. hardening the interlocutors’ positions), diplomats have developed an array of instruments of ‘quiet diplomacy’. Demarches are usually carried out in a confidential manner by the Troika (current and incoming EU Presidencies, Commission and Council Secretariat), in the form of a written document delivered to a representative of the third country government. They have been variously used to remind host governments of their international obligations or present ‘prisoners’ lists’ and enquire about the conditions of detained activists. Given the confidential nature of this instrument, it is difficult to assess the extent of its use, and its degree of effectiveness in prompting repressive governments to alter their policies. But some human rights activists complain about an inconsistent use of demarches and declarations, and point to many cases of serious violations against opposition groups where the EU remained silent, often caused by a lack of consensus among EU members: “Collective action is impossible when individual member states prioritize other foreign policy interests or have other views regarding the best way to address the situation of HRDs” (Amnesty International 2007).

Human rights dialogues and consultations: Since the EU Guidelines on Human Rights Dialogues were published in 2001 (updated in 2008), bilateral dialogues and consultations have become formalised instruments of foreign diplomacy by the EU Council. Their purpose is to encourage third country governments to abide by (or ratify) international human rights legislation and engage in relevant structural reforms, or to register EU concerns on human rights infringements. In the long run, they help EU interlocutors to shift their perceived interests and policies and internalise the norms and logic underpinning the EU through ‘social learning’ and persuasion (Tocci 2008). There are currently more than 30 ongoing dialogues and consultations on human rights, under different formats: bi-yearly structured human rights dialogues or consultations (China, Russia); dialogues on human rights and democratisation in the framework of external cooperation agreements with Southern and Eastern Neighbourhood countries or with African, Caribbean and Pacific (ACP) states, generally in dedicated subcommittees; human rights consultations with Western allies (USA; Canada, Japan) in the run up to key human rights meetings at the United Nations; or local ad hoc dialogues on human rights by EU Missions.

The involvement of local nonviolent activists in the conduct of human rights dialogues and negotiations varies widely from case to case. EU Guidelines on Human Rights Dialogues recommend that CSOs should participate in preparatory meetings by helping to assess the local human rights situation, in the conduct of the dialogue itself by organising simultaneous parallel meetings, and in follow-up evaluation mechanisms. Sometimes, this participation is stipulated in the cooperation

²⁸ See EU Annual Report on Human Rights 2008, Council of the European Union. Online at <http://www.consilium.europa.eu/uedocs/cmsUpload/st14146-re02.en08.pdf>

agreement itself (e.g. article 8 of the ACP-EU partnership agreement).²⁹ The EU-China dialogues are always accompanied by parallel seminars with academic experts, Chinese and European CSOs. Elsewhere, CSO involvement depends on the proactiveness of the partner country or the European country heading the Presidency. For instance, under the UK Presidency in 2005, Russian NGOs were consulted prior to the EU-Russia consultations and debriefed afterwards.

2.3.2 Positive and negative conditionality and sanctions

When dialogue and diplomatic engagement are insufficient to encourage democracy and stop human rights violations or one-sided violence against nonviolent expressions of political dissent, EU institutions have at their disposal an array of more forceful methods of intervention. The spectrum of tools ranges from persuasion (through cooperative engagement and ‘social learning’ - see Section 1, 4.5), to conditionality (by inducing leaders to reassess the costs and benefits of their policies and change them in the lines desired by the sanctioner), or coercion (through the use of targeted sanctions). Although the EU never officially promotes a strategy of regime overthrow, such a scenario might be provoked indirectly by weakening the regime’s legitimacy and making it more vulnerable to acts of dissent by the nonviolent opposition, as illustrated in people power revolutions in the Philippines, Eastern/South Eastern Europe and the former Soviet Union in recent years.

Incentives:

In general, EU institutions prefer to use positive measures and conditionality rather than penalties to persuade their interlocutors to abide by standards of human rights and democracy.

In the European ‘neighbourhood’, the enlargement criteria for candidate countries represent one of the most effective incentives: such countries have to demonstrate that they have stable institutions guaranteeing democracy, the rule of law, human rights and the protection of minorities in order to integrate the Community acquis. A good indicator of the effectiveness of such incentives is the overall cooperative relationship with Turkey, a key candidate country, which has resulted in significant legal reforms, even though Amnesty International noted a “regression” in Turkey’s human rights performance in 2007 (Memorandum to the Turkish Government, 14 January 2008).

The European Neighbourhood Policy (ENP) offers an incentive for governments of Eastern European and Mediterranean countries to commit to EU standards on human rights and democracy, in exchange for greater political, security, economic and cultural cooperation. The accompanying financial instrument ENPI has a special Governance Facility fund rewarding progress in the field of democracy and human rights: Morocco and Ukraine both benefited from this in 2007. The political chapter of each ENP Action Plan sets out concrete objectives on human rights and democratisation issues, such as to strengthen legal guarantees for freedom of speech, of the press, and of assembly and association in accordance with international standards. However, empirical studies show discrepancies in how the various ENP Action Plans treat such issues, being much more detailed and demanding in the case of Eastern neighbours than in most of the Mediterranean area. Furthermore, human rights activists argue that EU praise for the progress towards democracy made by ENP partners in reality reduces pressure to improve human rights practices (Youngs 2009).

Trade/aid conditionality clauses and suspension measures:

²⁹ The ACP-EU partnership agreement is also called “the Cotonou agreement”, see http://ec.europa.eu/development/geographical/cotonouintro_en.cfm

“Essential elements” conditionality clauses in external agreements with partner countries might be considered as alternately positive and negative measures. They stipulate that respect for human rights and democratic principles underpins the internal and external policies of the parties, and that in the event that those principles are breached, the EU may take certain measures, such as suspending the agreement. The effect of this stick-based approach can at times be counter-productive in terms of supporting the nonviolent opposition, as illustrated by the suspension of the 1995 Partnership and Cooperation Agreement with Belarus in 1996, which resulted in a sharp curtailing of technical assistance to pro-democratic civil society and independent media (Jarabik and Silitski 2009: 110). But in other contexts (e.g. Burma and Zimbabwe), the suspension of development aid for reasons of human rights violations was accompanied with a parallel increase in humanitarian aid in order to support the population.

Elsewhere, however, many trade and development cooperation accords are concluded and implemented without a comprehensive evaluation of the partners’ respect for basic political, social or cultural rights, and there are also many examples of failure to act upon persistent breaches of cooperation agreements. For instance, since the EU-Israel Association Agreement treaty was signed in 1995, Israel has been in breach of its Clause 2 which demands respect for human rights, with regards to its treatment of Palestinians living in the West Bank and Gaza and its Arab citizens. Dozens of Palestinian NGOs have joined forces in a Boycott, Divestment, Sanctions National Committee to request the application of the conditionality clauses until Israel complies with international human rights and humanitarian law. In spite of this, the EU Association Council took the decision in June 2008 to upgrade the agreement to create stronger ties in the economic, trade, academic, security and diplomatic fields.

Preferential trade arrangements under the Generalised System of Preferences (GSP) have similar conditionality clauses, in so far as they provide preferential access to the EU market to third countries which have ratified and implemented core UN/ILO human rights conventions. GSP preferences might be withdrawn on the ground of their non-respect. So far, the EU has only withdrawn trade preferences in two instances, including with Belarus in 2007 because of the regime’s infringement on freedom of association for workers.

The EU’s European Investment Bank has a paragraph on human rights in its charter, and is currently conducting a consultation with NGOs to draft a Statement of Social and Environmental Principles that all projects funded should satisfy. This has been widely welcomed, although the experienced EU observers at Amnesty International have suggested in addition the need for a “due diligence” procedure to monitor application of the new standards.³⁰ In the past, its concern for human rights has rarely impeded its involvement in controversial projects, including with semi-autocratic regimes in Central Asia (Stoyanova 2008).

Sanctions (restrictive measures):

Diplomatic sanctions represent a symbolic form of punitive action to signal EU disapproval of the government of a third country. They might consist of a ban on high-level bilateral contacts (e.g. with Belarus after an illegal constitutional change in 1996), a downsizing of EU diplomatic personnel in the country concerned (e.g. EU military attaches were recalled from Burma after the regime failed to recognised the results of the 1990 elections), or a reduction of programmes of cultural, scientific and technical cooperation (e.g. with China in aftermath of the 1989 Tiananmen events) (Portela 2009).

³⁰ See www.eib.org/attachments/strategies/eib_esps_comments_ai_17122008.pdf

Recently, CFSP 'restrictive measures' have become the most common type of EU sanctions. Rather than impose 'economic' sanctions in the traditional sense, such as comprehensive trade embargoes designed to asphyxiate the affected country, EU sanctions are now "targeted measures that should reduce to the maximum extent possible any adverse humanitarian effects or unintended consequences for persons not targeted".³¹ They mostly operate at the personal level, by imposing hardship on the targeted leader and his/her associates or family, and reducing their means to pursue a particular policy. They include visa bans on senior members of the regime, financial restrictions such as freezing of assets held in the EU, or investment bans. Past examples of the use of restrictive measures for human rights and democracy purposes can be found in Africa, Asia, and Eastern Europe - to condemn fraudulent elections in Nigeria (1993), Belarus (2006), Zimbabwe (2002, 2007), and to compel the regime to recognise democratic elections results in Burma (since 1990).

The EU also makes ample use of arms embargoes, especially in order to address cases of one-sided violence by state forces to repress civilian demonstrations, as in China, Indonesia and Uzbekistan. The EU Code of Conduct on Arms Transfers in 1998 laid down common standards – "which should be regarded as the minimum" - to prevent the sale of arms that might be used aggressively or for internal repression. However, these arms exports continue, and even in countries where the EU imposes an arms embargo (e.g. some ten EU member states were involved in exports to China between 2002 and 2006).

The evaluation of sanctions policies and their effectiveness is a source of contention. Assessments of past EU restricted measures show limited degrees of effectiveness.³² However, the impact of sanctions is extremely hard to measure: it is psychological as well as economic, it affects the opposition as well as the regime, and it often depends on how sanctions are combined with other measures. The literature on sanctions generally predicts that they are most likely to be effective against states which are more enmeshed in trade relationships with the EU (Portela 2009), or which seek to benefit from greater integration or cooperation (Tocci 2008). However, economic and strategic interests often dictate different policy priorities towards 'allied' countries or major trading partners, irrespective of their human rights record. Indeed, the overall picture depicted by local activists as well as scholarly assessments of EU action (Smith 2005, Youngs 2009), shows the EU to be reluctant to go beyond critical declarations on human rights or democratic practices where states concerned are strategically important for its security or economic interests.

2.3.3 Actions of the European Parliament

The European Parliament acts as a strong voice in support of human rights and democracy. First, it provides a platform for denouncing human rights violations against pro-democracy or social justice activists by passing resolutions raising individual cases of concern. In 2007 and 2008, EP resolutions have condemned the arrests of cyber-dissidents in China, the deterioration of human rights and democracy in Belarus, acts of violence against trade unionists in Cambodia, violent crackdowns on demonstrations in Armenia, Georgia, Russia and Vietnam, repression on women activists in Iran, the relentless oppression of opposition parties and civil society groups in Zimbabwe, the dissolution of a

³¹ Basic Principles on the Use of Restrictive Measures (Sanctions), Council document 10198/1/04. <http://register.consilium.europa.eu/pdf/en/04/st10/st10198-re01.en04.pdf>

³²The recent lifting of visa ban against Uzbek leaders, which had been in place since November 2005, following encouraging human rights improvements by the regime, including the release of human rights defenders, is a rare example of successful CFSP sanctions (Portela 2009).

human rights NGO in Egypt, arrests and continued detention of Buddhism monks and other participants to the August 2007 protests in Burma, the condemnation without trials of organisers of mass protests following rigged elections in Ethiopia, and the murder of human rights activists in Philippines.³³ According to an evaluation report, the reactions of targeted countries demonstrate that they are sensitive to international criticism voiced by EP resolutions (EIUC 2006), and the positive local and international impact of such resolutions was also highlighted by the Dalai Lama in his speech at the EP in December 2008: “the many resolutions of the EP on the issue of Tibet have helped greatly to highlight the plight of the Tibetan people and to raise the awareness of the issue of Tibet amongst the public and in governments, [...] all around the world, [and] in China.”³⁴

The President of the EP and chairs of committees and delegations regularly take up human rights issues directly with the representatives of third countries, through talks or by sending letters of concern. The Foreign Affairs Committee’s Sub-Committee on Human Rights provides a permanent forum for discussions on the human rights situation and the development of democracy in non-EU countries. Its Annual Report on Human Rights in the World proceeds to an annual assessment of the situation of HRDs across the globe: the report on 2007 condemned the repression of nonviolent activists in such countries as Belarus, China, Iran, Syria, Burma, Uzbekistan and Kenya.

In addition, the EP holds the Council and the Commission to account regarding their treatment of human rights and democracy in their external actions, by asking questions during plenary debates and making requests for EU action. For instance, in May 2007, the President of the EP urged the Commission and Council to raise cases of human rights defenders in China during the forthcoming round of human rights dialogue; in October 2007, the EP proposed to restart the EU-Iran human rights dialogue interrupted since June 2004.

Despite the EP’s limited competences in external relations, it has made a creative use of its powers to impose ‘pseudo-sanctions’ in reaction to poor human rights records in countries of special concern to the EU, especially Turkey and China, by withholding specific benefits until improvements were achieved in the field of human rights (Portela 2009). However, the EP has only little influence in matters of conditionality measures which fall under EC Treaties. For instance, it called for initiating a GSP suspension procedure with China, but this request was rejected by the Commission. But the Lisbon Treaty will give the EP expanded power over the decision to build in essential element clauses in new EC treaties or the renewal of older ones.

2.4. Monitoring and influencing the environment in which nonviolent action operates

This last sub-section lists some indirect means of EU assistance to nonviolent civic action by helping to create an enabling legal, political and security environment for effective civil society mobilisation.

2.4.1 Electoral assistance and monitoring

The primary means of EU external democracy promotion consist in enhancing the reliability and transparency of democratic electoral processes through electoral observation missions (EOMs) and

³³ See the EP’s Annual Report on Human Rights in the World 2007 and the European Union’s policy on the matter. Online at www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0193

³⁴ Address to the Plenary Session of the European Parliament by His Holiness the Dalai Lama XIV. 4 December 2008.

electoral assistance. These mechanisms are especially relevant to the support of nonviolent civic action in contexts of popular protest during and after fraudulent elections.

Funded by the EIDHR instrument, EOMs combine technical fact-finding and expertise with political clout and public visibility (Meyer-Resende 2008). The presence of international observers provides encouragement and reassurance to democracy advocates, and enhances their security, by showing that the eyes of the world are watching (The Diplomat's Handbook 2008: 31). It also serves to provide international protection and political cover for local observation groups when manipulations are observed and denounced. Around 70 such missions have taken place since 2000, with over 4,000 observers deployed in more than 50 countries, in all regions except for those already covered by the OSCE.³⁵ The European Parliament plays an active role in EOMs, by sending delegations of MEPs to join and head the teams as Chief Observers: their participation increases the visibility of the mission and helps build support for possible post-election measures by the EP.

One major difference between the EU instruments for direct support to nonviolent movements and those of electoral assistance lies in strict rule of impartiality for EOMs. Their task is to monitor and promote democratic process rather than promote regime change or show solidarity with opposition movements standing for human rights and justice. There are some cases of past elections where this distinction of roles was not strictly maintained, such as in Ukraine in 2005 where the EP delegation joining the OSCE EOM wore orange banners and appeared on stage to back the opposition coalition leading the 'orange revolution' (Meyer-Resende 2008: 8).

Examples of elections judged undemocratic and followed by EU sanctions were cited above (see 3.2). However, local activists note a lack of consistency in EU response to electoral processes in different parts of the European neighbourhood. This is confirmed by recent reports on EOMs comparing, for instance, the strong condemnation of rigged elections in Belarus in 2005 accompanied by the issuing of a visa ban for high-ranking election officials, with the mild response (a diplomatic statement) to equally flawed Tunisian elections during the same period (Meyer-Resende 2008: 18). In other countries as well (e.g. Nigeria 2003, Kenya 2007), elections were judged fraudulent by the EOM but no political or economic price was imposed on the regime for its anti-democratic practices, resulting in a loss of credibility for the mission.

Besides EOMs, the EU takes part in electoral assistance by deploying technical experts to help improve the overall management and conduct of elections (e.g. training of election management bodies or voter education). The EIDHR also sponsors the provision of technical capacity building in electoral monitoring to local civil society groups, as well as programmes and workshops to enhance public awareness of citizens' rights and active popular participation in elections.

2.4.2 Influencing the national legal and policy framework

Through assistance programmes: Some components of the EC's geographical instruments (DCI, ENPI, Instrument for Pre-Accession) aim to improve the legal and political environment in which nonviolent campaigners operate, by fostering human rights and democratic processes on the EU's Eastern and Southern borders (including Russia, the Near East, South Caucasus and the Mediterranean region), in the Balkans, Turkey, Asia and Latin America. Priorities are mostly defined by country or region but include supporting institutional reform (e.g. legal, judicial and administrative reform, national human

³⁵ The Handbook for EU Election Observation is available online at http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf

rights institutions, electoral processes, media pluralism) or promoting and protecting human rights and fundamental freedoms. The EIDHR also has a programme dedicated to improving legislation governing NGOs, freedom of thought, association and expression. Finally, the CFSP Guidelines on Human Rights Defenders mention the need to support the creation of national human rights institutions, ombudsperson's offices and human rights commissions, and call for the strengthening of existing regional human rights mechanisms such as the Inter-American Commission on Human Rights or the African Commission on Human and Peoples Rights.

Civilian component of ESDP crisis management operations: The European Security and Defence Policy (ESDP) is a major element of the CFSP. Its stated goal "is to complete and thus strengthen the European Union's external ability to act through the development of civilian and military capabilities for international conflict prevention and crisis management".³⁶ The military aspects of ESDP are outside the scope of this study: while nonviolent movements might on occasion call for military intervention, the focus of this study is on what can be done to strengthen those movements' own capacity to bring about change. The civilian components of ESDP crisis management capabilities range from advice and assistance in police, border monitoring, civilian administration, rule-of-law and civil protection sectors to monitoring the implementation of peace processes. They have been variously deployed in pre-, active or post-crisis situations countries such as Bosnia-Herzegovina, Macedonia, DRC, Georgia, Indonesia, Sudan, Palestine, Ukraine-Moldova and Chad. These missions indirectly serve the purposes of civil society assistance in conflict zones by supporting the building of stable and democratic public institutions. For instance, through police-to-police training components, EU security officials help to impart the importance of respecting the rule of law, including the human rights of nonviolent demonstrators. Although ESDP civilian operations potentially might help to build the capacities and expertise of European civil society professionals in nonviolent intervention or peacemaking assistance, in practice the non-governmental sector is largely excluded. In the next section, an alternative model of EU-supported scheme for cross-border civil society action will be suggested, which builds on the extensive field experience of European NGOs in nonviolent intervention.

³⁶ See http://ec.europa.eu/external_relations/cfsp/esdp/index.htm

3. AVENUES FOR IMPROVED EU PRACTICE IN SUPPORT OF NONVIOLENT CIVIC ACTION

The EU has declared human rights and democracy promotion one of its central values to be applied in all external action. The reality, however, is that this declaratory policy is not implemented consistently, and that where there seems to be a conflict between human rights promotion and the geopolitical interests of the EU and its members, human rights tend to be the loser. Our contention is that this is a false dilemma and that in most cases these various goals are compatible and can be pursued simultaneously. As suggested in Section 1, EU external human rights and democracy promotion contributes to international peace, stability and development; neglect of human rights and democratisation in allied and non-allied states undermines security policy in the medium term and at times even in the short term.

This section makes recommendations for a more systematic implementation of existing EU instruments to promote human rights and democratisation through direct and indirect support to grass-roots nonviolent civic action. In particular, it recommends a more rigorous evaluation of current practices, in consultation with human rights groups from the areas affected, as well as the dedication of greater resources to support the emergence of civil society networks promoting human rights and democratisation, including the protection of human rights defenders and assistance in developing strategies of nonviolent action.

3.1. Supporting civil society empowerment and mobilisation capacity

The starting point for a strategy of genuine support for nonviolent campaigns for democracy and human rights is to recognise whose struggle this is. Support for specific objectives - such as expanding space, mobilising resources, opening doors, providing a platform - are precisely that, support. The main goal of assistance should be to support strategies of empowerment pursued by existing local groups, to work in harmony with them and not take over. Of paramount importance is the recognition of HRDs as important partners who themselves need protecting in their efforts to build civil and just societies. The types of support have to be carefully tailored according to how local activists view the situation. Raising their visibility might in certain cases be counter-productive, possibly endangering them. Foreign financial assistance might not be accepted in general or from any donor perceived as having an interest in undermining the government. In addition, EU financial assistance has sometimes been refused because of the bureaucratic burden it would place on the recipients, or because of a more general critique of the adverse effects of 'professionalising' of NGOs on the growth of social movements. As a result, any form of intervention should be preceded by extensive consultation with local civil society activists regarding the best means to support their work.

This sub-section presents a number of suggestions made by local nonviolent activists and European human rights organisations that would enhance EU capacity to support human rights defenders and nonviolent movements in third countries, in the context of existing policy instruments, institutional arrangements and budgetary constraints.

3.1.1. Improving good-practices and evaluation in solidarity actions

EU Missions on the ground should strive to increase and better coordinate diplomatic and physical means of assisting local human rights defenders. European human rights NGOs have made a number of valuable suggestions (Amnesty International 2007, Collier 2007), which include:

More frequent visits, meetings, invitations and joint press conference with HRDs, including those from remote regions or not benefiting from EU funding.

A balance between public and private diplomacy in support of nonviolent activists: International support can shield HRDs, but their increased visibility might also result in them more vulnerable to criticism and attacks by opponents. Representatives of the EU and its members need to take advice from local activists about when indirect means of support and the use of confidential demarches towards the government are more appropriate than public action.

Greater transparency about EU support activities on behalf of nonviolent activists: This might be improved by raising the visibility and media coverage of EU human rights activities, and devising procedures for sharing information with relevant civil society actors on EU diplomatic activities with external governments (declarations, demarches, resolutions, dialogues, etc).

More systematic monitoring of supporting activities carried out by EU missions and the impact that such tools have on the protection of the lives and the political space of HRDs. The EP set a good precedent in commissioning the study *Beyond Activism: the impact of the human rights activities of the European Parliament* (EIUC 2006). Such independent evaluations should become more regular and extended to other EU institutions.

3.1.2. Enhancing civil society networking and communication

A frequent problem for nonviolent activists is their isolation from counterparts elsewhere or from external sources of support. Local EU Missions could help further improve their communication and networking capacities by establishing an HRD contact point in each country, accessible to local nonviolent activists, responsible for monitoring an effective implementation of the EU Guidelines and promoting local dissemination strategies.

Relevant EC instruments for external assistance such as EIDHR should also dedicate greater resources to facilitating civil society capacity-building and peer-exchange. Suggestions which would be both cost-effective and empowering for local nonviolent movements include:

Establishing a human rights defenders' network at the international level, e.g. a "Sakharov Network" for former laureates of the EP award;

Establishing an EU-wide resource centre which, perhaps in cooperation with exiled activists, would compile and translate key texts and documents on nonviolent civic action and key international legal instruments which activists can use in their work; locally, the libraries of embassies EU should have key books about civil resistance that are accessible to activists;

Offering scholarships to go and study in Europe, or sponsoring university degrees via online distance learning schemes, in particular for student activists barred from continuing their education due to political activities;

Facilitating cross-border liaison and exchange between nonviolent movements in third countries and European citizens' initiatives, solidarity networks and NGOs: granting visas for activists to attend relevant training programmes and conferences in Europe, or to carry out scholarly and/or field research about nonviolent action; enlarging EU twinning projects (which are currently open to public and semi-public institutions) to CSOs inside and outside the European borders; sponsoring workshops in communication and media, or training in strategic planning by veteran nonviolent leaders from other contexts (see Section 1).

Assisting in the creation and maintaining of independent sources of media and technology, translation of local news into European languages for public broadcast in Europe, and distribution of anti-censorship tools and software that allow nonviolent campaigners to better communicate internally and externally, in particular in countries (e.g. China, Iran) where there have been recent crackdowns on cyber-dissidents and other 'free expression activists'.

3.1.3. Improving the protection of threatened activists

The provision of 'defensive' assistance in countries where HRDs are systematically targeted should be an essential component of the 'toolbox' of EU external action. Demands from local nonviolent activists include:

Implementing the provisions of the revised Guidelines on HRDs relative to the *issuing of emergency visas for threatened activists*. Authorities in charge of delivering visas at central and local levels need to be better aware of the situation of HRDs and their special protection needs. The overwhelming majority of HRDs who come to the EU for 'rest and respite' or to participate in events and conferences do not ask for asylum, but aim to return to their countries to continue their work (Collier 2007, Amnesty International 2007). Besides, Embassies should be willing to harbour endangered activists.

Setting up a more regular system of trial monitoring, and lobbying concerned governments and embassies on behalf of detained campaigners;

Setting up emergency funds for legal assistance, and offering assistance and protection to lawyers defending human rights activists;

Setting up hardship funds for HRDs who lose their jobs or face other discrimination.

3.1.4. Simplifying procedures and access to funding

The problem with EU assistance to human rights activity is less the level of funding available, than the restrictions placed on accessing it. While acknowledging EU budgetary constraints, European NGOs networks (HRDN, EPLO and CONCORD) have suggested the following improvements in the provision of financial assistance:

The contribution of thematic financial instruments available to non-state entities without requiring prior governmental consent should be increased, in order to preserve the autonomy of civil society action;

The proportion of small country-based projects directly managed by EC delegations (24% of the EIDHR budget in 2007) should be increased, and should become available for small initiatives - such as the organisation of one-off public events, and limited running costs, including for printing campaign material, equipment procurement or strike funds.

EC Delegations should conduct outreach work to promote the funding schemes and publication of Call for Proposals, make them accessible to local civil society, and offer capacity-building assistance in making funding applications.

To better respond to situations of crisis and emergency, and to take into account the limited administrative capacities of small civil society entities, grant application procedures should be simplified and accelerated, and reporting requirements for recipient organisations should be less demanding.

3.1.5. Increasing civil society involvement in relevant EU external policies

EU policy-makers already consult with human rights groups, both local CSOs and international NGOs. However, this could become more systematic by involving them in the preparation, conduct, assessment and follow-up of meetings with third country governments (troika visits, human rights dialogues, cooperation councils, EOM, etc), or in the production and monitoring of cooperation and assistance programmes (ENP Action Plans, EIDHR Annual Action Programmes, etc).

EU institutions have become much more open to dialogue and information exchange with relevant civil society actors. However, this could be expanded through the establishment of regular consultative mechanisms, beyond the annual EU-NGO Forum on human rights. The cost of participation in such events by local activists from third countries can be financed within the framework of EIDHR.

3.1.6. Improving EU expertise on nonviolent civic action

EU personnel, be they members of the Commission and Council, MEPs and Commission delegations, need to be better aware of, and trained about, the dynamics of nonviolent action, the crucial role that HRDs play in the process of democratisation of a country, and the methods of empowering them. This could be improved by commissioning specialist NGOs to produce relevant materials, based for instance on *The Diplomat's Handbook*, and by organising training sessions for EU personnel at mission level and for the diplomatic staff of EU member states on nonviolent civic action, with direct input and participation from local human rights and democracy activists.

3.1.7. Developing programmes with exile groups

Activists who have had to leave their country often have much to offer in the development of strategies for support for nonviolent action. They can be a source of analysis about the situation, an entry point with contacts, and a two-way channel of communication. In many cases, they have orchestrated international solidarity action with nonviolent movements and in some instances the return of an exiled activist has marked a new phase of activity at home. Often such exiles also face pressing problems in their everyday life in a foreign country.

Support for nonviolent civic action can be channelled through exile groups by assisting their training in useful skills, their work in informing EU citizens and states about the situation in their home country, and informing them about the range of channels of support available. Strategy sessions with exile groups can assess the impact of various strategic and tactical options, and identify means of strengthening nonviolent groups in their country. Exiled activists wishing to return to their homeland should also be assisted. As they often face a serious danger of being harassed or imprisoned upon arrival in their country; local EU Missions should be informed about their situation, and devise appropriate protective strategies.

3.1.8. Strengthening awareness of international days by support for UN days of action

Embassies and EU democratisation programmes could offer to cooperate with civil society groups in other countries to develop programmes using the opportunity provided by the UN in devoting days or weeks of the calendar to particular themes. Relevant existing UN days include the Human Rights Day (10 December), World Press Freedom Day (3 May), and the recently declared World Day of Social

Justice (20 February).³⁷ The goal would be to spread popular awareness of international standards, especially agreements ratified but badly observed by the government of the country concerned.

3.2. Supporting cross-border nonviolent intervention

In parallel to direct forms of physical, technical and financial assistance to nonviolent campaigns, EU institutions can also channel support through the intermediary of European non-state actors and CSOs performing on-site interventions in repressive or violent contexts.

3.2.1. Facility Fund for civil crisis response

The NGO platform European Peacebuilding Liaison Office has proposed that the IfS's crisis response component should establish a facility fund for short-term NGO-led interventions at grass-roots level to prevent violent conflict escalations. This would enable rapid expansion of an international nonviolent field presence in response to proposals from the field. Low-budget by EU standards, it would remove a hurdle that international networks have repeatedly faced in responding to emergencies.

3.2.2. European Civil Peace Service

In the past few years, there has been a development of organisations offering training programmes for 'volunteer professionals' to be deployed abroad, most frequently in situations of armed conflict, and assist local civil society through capacity-building, protective accompaniment, fact-finding, monitoring or facilitation activities. What is still lacking though is a mechanism to coordinate these various programmes into a cohesive scheme.

The current framework for civilian ESDP missions is not adapted for such missions operating at the civil society level. Therefore there have been calls for the creation of a European Civil Peace Service, along the lines of national schemes which already exist in some member states (e.g. Ziviler Friedensdienst in Germany). Under existing financial regulations, the European Commission could 'test' the potential offered by such a project by funding a pilot ECPS programme to coordinate the training, registering (e.g. by establishing expert rosters) and field deployment of trained 'nonviolent peacekeepers' by relevant international NGOs, to implement long-term accompaniment and capacity-building projects in conflict zones.

3.3. Enhancing coherence in EU promotion of human rights and democracy

In order to retain its credibility and authority as a promoter of human rights and democratisation, the EU needs to ensure that there is full congruence between practices authorised inside and outside EU borders, that it consistently applies agreed codes and standards to states that are powerful and allies and to those with less influence or seen as hostile to EU interests, and that that all EU policies and institutions function with full respect for human rights.

3.3.1. Consistency in EU internal and external policies

States whose human rights records are criticised by the EU frequently retort by accusing the EU of double standards, and by highlighting particular instances of human rights violations either inside

³⁷ For more information and a complete list, see http://www.unac.org/en/news_events/un_days/index.asp

the EU, or by EU allies. This is especially the case where there remains resentment of European colonialism, and also is the case with a major power such as Russia. Therefore, EU institutions need to better link the internal and external aspects of their instruments and policies, and to live up to their ethical commitments to human rights and democracy at home as well as in third countries. Moreover, there needs to be some congruence between how the EU and its members 'interfere' in other states and how much they themselves permit such 'breaches of sovereignty'.

3.3.2. Linking nonviolent resistance, violent conflict prevention and peacebuilding

EU external assistance to pro-democracy and human rights nonviolent action, the prevention of violent conflicts and post-war peacebuilding should be seen as part of a coherent whole. In situations of structural violence (e.g. dictatorship or acute human rights violations) or one-sided violence by the state against its civilian population, struggles for justice, human rights and greater democracy help lay the foundation for stability and sustainable peace. Declaring an election flawed or supporting the nonviolent expression of dissent might increase local tensions and antagonism in the short run, but ultimately such policies contribute to reducing violence and building just and peaceful societies. Conversely, ignoring rigged elections or gross human rights violations is likely to exacerbate tension: when oppressed parties feel that their concerns are ignored by the outside world, they may believe that resorting to violence remains the only way to keep international attention. Such dynamics took place in Kosovo during the 1990s, where the Kosova Liberation Army took up arms in order to secure the recognition that had been denied to the preceding nonviolent struggle. The appeal of violent militant strategies in the Palestinian territories represents another consequence of the failure of international powers to act upon human rights violations and to recognise and support local nonviolent resistance movements. Therefore, nonviolent resistance should be considered as a genuine and powerful method of violent conflict prevention.

3.3.3. Complementary approaches to democracy promotion

Besides the development of EU mechanisms for electoral observation and support, there is still no common strategy or coordination for democracy assistance. EU democracy promotion pays far more attention to what can be achieved through 'democratisation-from-above' through cooperative partnerships that assist governments in a transition to democracy, than in supporting 'democratisation-from-below' that grows from civil society. Semi-authoritarian governments have been criticised for using the 'façade' of progress towards democracy, including favourable statements by EU officials involved in these processes, to mask their continued denial of human rights, including the freedom to organise of civil society groups and independent NGOs, while placing restrictions on local NGOs, including on their right to receive external aid.

In order to enhance and mainstream the active promotion of democratic processes and pro-democracy activism within EU policies, the existing list of CFSP Human Rights Guidelines could be extended to include regulations regarding the promotion of political rights. Annual reports on the situation of human rights produced by both the Parliament and Commission should also systematically include an assessment of democratisation progresses and setbacks in third countries.³⁸

In the electoral domain, democracy support should not be restricted to providing technical assistance prior to elections (e.g. voter education, support to electoral commissions, etc.) and monitoring actual

³⁸ The Community of Democracies (COD) prepares such annual reports, and there could be synergy developed with EU bodies in this effort. See www.ccd21.org

elections, but give more attention to post-elections monitoring of complaints and appeals procedures as well. EOMs need to be - and to be seen as - strictly non-partisan and unbiased. However, this does not require that other bodies associated with the EU or funded by the EU cannot help pro-democracy movements, provided that the roles are kept separate and distinctive.

3.3.4. Human rights and democracy mainstreaming in EU external policies

The EU's self-proclaimed goal to pursue policies promoting greater democracy and human rights outside its borders is still not fully integrated into its wide range of mechanisms and instruments. In order to increase coherence between EU goals and actual policies, the following improvements have been suggested by various commentators, including the European Parliament itself:³⁹

adoption of a more rigorous and systematic monitoring and evaluation of how EU programmes implement international human rights/democracy norms, according to specific benchmarks and indices, and with the involvement of well-placed humanitarian and human rights CSOs. This would include more stringent monitoring of the EU Code of Conduct on Arms Trade, more rigorous control of the use of European Investment Bank funds in countries facing severe conflicts and human rights abuses, and analysis of the extent to which cooperative partnerships with various governments are actually changing the human rights climate in the countries concerned.

- *it should be normal to include human rights and democracy “essential elements” clauses in external cooperation agreements*, to reinforce the elements of conditionality in foreign assistance and trade benefits by providing for suspension of the agreement if the state seriously breaches human rights and democratisation criteria.
- *more systematic integration of human rights and democracy issues* in the agenda of political dialogues and consultations; creation of human rights sub-committees with all neighbourhood countries, and inclusion of a human rights/democracy chapter in all Country Strategy Papers and ENP Action Plans; integration of data collected through EOMs into country programming documents;
- establishment of a *Human Rights Defenders Unit*, liaising with all EU institutions, international NGOs and local human rights groups to ensure effective monitoring and implementation of the EU Guidelines and accountability of EU member states.

Although most of these recommendations are concerned with the activities of the Commission and Council, MEPs have a vital role as watchdogs on the effective implementation of EC instruments and external agreements and CFSP Human Rights Guidelines, and as a point of connection between EU institutions and civil society networks in the EU.

3.3.5. Rationalising the use of dialogue, conditionality and sanctions

In terms of ‘carrots and sticks’ policies towards third country governments, human rights dialogues are useful tools, but they can have a side-effect of shielding the interlocutor from other international pressures. Therefore, they need to be better connected to other instruments, accompanied by projects designed to improve the human rights situation on the ground, and when necessary, backed by diplomatic and political pressure through public criticism, incentives and restrictive measures.

³⁹ See Report on the functioning of the human rights dialogues and consultations on human rights with third countries, A6-0302/2007; Annual Report on Human Rights in the World 2007 and the European Union's policy on the matter, A6-0153/2008.

As a general rule, positive incentives and conditionality which encourage change through rewards for cooperation and progress should be prioritised over negative conditionality and punitive measures such as targeted sanctions. However, when coercive measures and the severance of diplomatic relations are actively called for by the vast majority of a civil population, the EU should be able to respond and react, even if such policies might run counter to its short-term economic or geopolitical interests. In order to increase the effectiveness of EU autonomous sanctions, their objectives should be made more concrete, by clarifying the steps that should be taken by their targets for their removal. There is also a need for more systematic external evaluation of the conditions of effectiveness of this foreign policy instrument (Portela 2009, Cameron 2008).

4. CONCLUSIONS AND RECOMMENDATIONS

Nonviolent action has shown itself effective in promoting human rights and democracy, two core objectives of the EU, and offers a response to injustice and armed conflict conducive to constructing long term peace and stability. Support for civil society development and 'democratisation-from-below' is intrinsic to EU cooperative agreements with third countries, such as candidates for Accession and Neighbourhood or Developments partners. However, international human rights agreements adopted by the EU are to be applied in all external action by the EU and its institutions, including offering direct support and protection to human rights defenders and those taking nonviolent action for human rights with governments where there is no agreement.

This report mentions many valuable activities already carried out by EU institutions, including the European Parliament that, it is assumed, will continue. These are not mentioned in this section except when there are specific proposals to enhance them. The following are specific recommendations to improve the EU's capacity for supporting nonviolent civic action outside its borders.

4.1. Principles of intervention

The main goal of EU external assistance to nonviolent civic action should be to support strategies of empowerment pursued by existing local civil society groups. Any form of intervention should be informed by extensive consultation with them to identify what support is appropriate and welcome.

The beneficiaries of assistance programmes for human rights and 'democratisation-from-below' should be selected on the basis of their popular legitimacy, genuine democratic commitment, and willingness to connect with other actors to build a cross-sector nonviolent movement for human rights.

There should be more systematic monitoring and evaluation of the combination of activities carried out by EU institutions in support of human rights and democratisation and their impact on the protection of the lives and political space of nonviolent activists.

4.2. Capacity-building for nonviolent movements

To address the needs of nonviolent activists in authoritarian or violent contexts, EU direct funding for 'bottom-up' (civil society-based) human rights and democratisation should be increased, its availability better publicised locally, procedures for accessing these funds simplified and accelerated, and reporting requirements made less burdensome.

In countries affected by civil war or a lack of fundamental freedoms, civil society activists need to gain strategic knowledge on constructive forms of advocacy and political action. EC financial instruments should allocate resources to the compilation, translation and dissemination of key texts and documents on nonviolent action, as well as key international legal documents useful to local activists, including the EU Human Rights Guidelines. (In some cases, this could be done in conjunction with exile groups.) Scholarships for study in the EU or online distance learning schemes should be made available for student activists barred from continuing their education due to political activities.

Exile groups should be informed about the range of channels of support available for nonviolent action in their home countries, and assisted in developing useful nonviolent action skills. Financial support should be available for facilitating communication with their home country, both private, secure communication and public broadcasts, webcasts and other media.

As part of the effort to establish a climate respecting international norms, EU democratisation budgets and embassies of EU states should offer to cooperate with civil society groups in programmes to promote 'international days' called by the UN on appropriate themes.

4.3. Protection mechanisms for threatened political and human rights activists

Direct support for threatened human rights and pro-democracy activists should include a more regular system of trial monitoring and lobbying on behalf of detainees, facilitation of emergency visas, emergency funds for legal assistance, and provision of hardship payments for those who have lost their jobs on account of their human rights activity.

Supporting nonviolent campaigns and individual HRDs requires a careful balance between public and private diplomacy. International support can shield local activists, but their increased visibility might also result in rendering them more vulnerable to criticism and attacks by opponents. Representatives of the EU and its member need to take advice from local activists about when indirect means of support and the use of confidential demarches towards the government are more appropriate than public action.

4.4. Transparency and exchange of information

EC delegations in third countries should be establishing an HRD contact point accessible to local nonviolent activists, responsible for disseminating information about the types of EU support that are available and how it can be accessed, and monitoring an effective implementation of the EU Guidelines.

In order to improve the transparency and visibility of EU interventions in third countries, sharing of country data should be systematised, with reports such as those of EOMs being incorporated into country programming documents. CSOs should be granted access to fact sheets on action taken by the various EU institutions to support and protect human rights defenders (declarations, demarches, resolutions, dialogues, etc).

Given the crucial role of information in the mobilisation of nonviolent action and the restrictions placed by repressive regimes on the freedom of expression and association, the EU should assist in the creation and maintaining of independent sources of media and technology, and distributing tools and software that allow nonviolent campaigners to better communicate internally and externally.

In addition to the EU-NGO Forum on human rights, more frequent consultative mechanisms need to be established with European and international CSOs, offering the possibility for greater civil society involvement in preparing, carrying out, assessing and following up the range of EU interactions with third countries.

4.5. Cross-border nonviolent intervention

The EU should facilitate liaison and exchange between nonviolent movements in third countries and European citizens' initiatives, for instance by funding training programmes and skill-sharing workshops that draw on the experience especially of veteran nonviolent activists in comparable situations, or by expanding the application of twinning programmes (currently limited to public and semi-public institutions) to CSOs inside and outside the EU.

Liaison and exchange between nonviolent movements would be helped by easing restrictions on visas for activists to attend relevant training programmes and conferences in Europe, to do placements with appropriate NGOs, or to carry out research.

EU institutions can also channel support through the intermediary of European CSOs performing on-site interventions in repressive or violent contexts. For instance, the Instrument for Stability should establish a facility fund to enable rapid deployment of trained international ‘nonviolent peacekeepers’ for NGO-led activities at grass-roots level to prevent violent escalations. The Commission should also consider funding a ‘civil peace service’ pilot project to coordinate the training, registering and deployment of field staff trained by various European civil society organisations to carry out long-term accompaniment and capacity-building projects in conflict zones.

4.6. Mainstreaming human rights and democracy promotion in external policy

Nonviolent civic action for human rights and democracy can be supported indirectly by compelling third country governments to respect political pluralism and guarantee fundamental freedoms to their citizens, through a complementary range of positive (dialogue and incentives) and negative (sanctions) measures. Against a general background for consistency in applying EU human rights standards, this report calls for a generally more systematic approach to evaluation and monitoring of human rights and democratisation and improved coordination between EU institutions and the mechanisms used.

The EU Council and Commission should integrate more systematically human rights and democracy issues in the agenda of political dialogues and consultations; create human rights sub-committees with all neighbourhood countries; produce annual reports on the progress of each country towards meeting human rights standards, with input from all relevant EU mechanisms and institutions as well as with reference to the findings of local and international human rights watchdogs; introduce greater conditionality in foreign assistance and trade agreements; and make more general provision for the imposition of ‘targeted sanctions’ in cases where other instruments fail to induce human rights and democratic reforms.

In order to enhance and mainstream the active promotion of democratic processes and pro-democracy activism within EU policies, the Council should consider extending the list of existing CFSP Human Rights Guidelines to include regulations regarding the promotion of political rights. Annual reports on the situation of human rights produced by both the Parliament and Commission should also systematically include an assessment of democratisation progresses and setbacks in third countries.

Although there are now units responsible for human rights in the three main EU institutions, the Council should consider establishing a joint Human Rights Defenders Unit, liaising with international NGOs and local human rights groups to ensure effective monitoring and implementation of the EU Guidelines and accountability of EU member states.

EU personnel, including at mission level, need to be better aware of, and trained about, the dynamics of nonviolent civic action, with direct input and participation from scholars and human rights and democracy activists.

In terms of supporting EU human rights democracy promotion, MEPs have a vital role as watchdogs on the effective implementation of relevant EC instruments and external agreements and CFSP Human Rights Guidelines, and as a point of connection between EU institutions and civil society networks in the EU. In order to enhance this role further, the Human Rights sub-committee should be upgraded to a full committee and its brief expanded to include Human Rights and Democratisation. In inviting representatives of nonviolent movements to speak at the EP, the body concerned should pay special attention to use the occasion to promote nonviolent strategy, for instance by inviting interlocutors useful in terms of constructing a ‘chain of nonviolence’.

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